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by

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RULES OF THE NEBRASKA UNICAMERAL

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RULE 1--OFFICERS AND EMPLOYEES

A. Election of Officers

Section 1. Officers to be Elected. (a) At the commencement of each regular session in odd-numbered years the Legislature shall nominate from the floor and elect by secret ballot the following officers:

Speaker
Chairperson of Committee on Committees
Chairperson of Executive Board
Vice Chairperson of Executive Board
6 Members of Executive Board (See footnote)

Before the ballot is taken each person so nominated may make a public statement to the Legislature indicating what the Legislature may expect from him or her in the area of the responsibility of such office. The officers so elected shall hold such office for a period of two years.

The Legislature elects two from Legislative Districts 1, 2, 15, 16, 23 through 30, 32 through 35, and 46; two from Legislative Districts 3 through 14, 20, 31, and 45; and two from Legislative Districts 17 through 19, 21, 22, 36 through 44, and 47 through 49. Speaker is member of Board; Chairperson of Appropriations is nonvoting member. RRS 50-401.01.

(b) In the event a vacancy occurs on the Executive Board, the following shall apply:

(i) The Vice Chairperson shall serve as acting Chairperson upon the resignation or death of the Chairperson until the commencing of the next regular session of the Legislature, at which time the Legislature shall nominate from the floor and elect by secret ballot a Chairperson of the Executive Board for the balance of the original term.

(ii) Upon the resignation or death of the Speaker, during the interim, said position shall remain vacant until the next regular session or special session the Legislature convenes, at which time a Speaker shall be nominated from the floor and elected by secret ballot for the balance of the original term.

Upon the resignation or death of the Speaker during the session, a Speaker shall immediately be nominated from the floor and elected by secret ballot for the balance of the term.

(iii) In the event there is a vacancy of the Vice Chairperson of the Executive Board, said vacancy shall be filled pursuant to Rule 3, Section 7(c).

(iv) During session, a vacancy among the remaining six members of the Executive Board shall be filled by a majority vote of all members of the respective caucus from which the vacancy occurred, subject to approval of the Legislature. The individual so selected shall serve for the balance of the original term.

During the interim, a vacancy among the remaining six members of the Executive Board shall be filled by a majority vote of all members of the respective caucus from which the vacancy occurred, subject to approval of the Executive Board. The individual so selected shall serve for the balance of the original term.

Sec. 2. Officers to be Approved. In addition, the Legislature shall advise and consent to the recommendations of the Executive Board of the Legislative Council for the following officers:

Chief Clerk of the Legislature
Assistant Clerk of the Legislature
Sergeant at Arms
Chaplain Coordinator

Officers and employees recommended by the Executive Board. RRS 50-111.

Sec. 3. Voting on and Removal of Officers. (a) A majority vote of the elected members shall be required for the election of all officers of the Legislature. All officers shall hold their office until a successor is chosen or they are removed.

(b) Any officer of the Legislature may be recalled upon a two-thirds majority vote of the members elected to the Legislature provided no such recall shall be voted on until five legislative days after the motion to do so is placed in the Journal. The vacancy thus created shall be filled by a majority vote of the members.

Sec. 4. Officer's Oath. Each permanent officer shall take an oath to support the Constitution of the United States, and the constitution of the State of Nebraska, and to discharge faithfully the duties of his or her office according to the best of his or her ability.

B. Presiding Officer

Sec. 5. President of the Legislature. The Lieutenant Governor shall preside as President of the Legislature. The Speaker shall serve as acting President and preside when the Lieutenant Governor shall be absent, incapacitated, or shall be acting as Governor. All references herein made to the President shall be construed as meaning also the Speaker whenever he or she may preside.

Prohibited from presiding when acting as Governor. Const. Art. III, Sec. 10.
Duties and powers. RRS 50-113.

Sec. 6. Presiding Officer, Order in Designating. In the absence of both the Lieutenant Governor and the Speaker, the order of the presiding officer of the Legislature shall be as follows:

Chairperson of the Legislative Council
Chairperson of Committee on Committees
Chairperson of Committee on Judiciary
Chairperson of Committee on Government, Military and Veterans Affairs
Chairperson of Committee on Appropriations
Chairperson of Committee on Revenue
Chairperson of Committee on Education
Chairperson of Committee on Banking, Commerce and Insurance
Chairperson of Committee on Natural Resources
Chairperson of Committee on Agriculture
Chairperson of Committee on Health and Human Services
Chairperson of Committee on General Affairs
Chairperson of Committee on Business and Labor
Chairperson of Committee on Urban Affairs
Chairperson of Committee on Transportation

Sec. 7. Powers of Presiding Officer, Restrictions. All the powers herein conferred on the President shall be exercised by the presiding officer, except the authority to sign bills or resolutions passed by the Legislature.

Const. Art. III, Sec. 14.

Addressing the chair. Rule 2, Section 7.
Duties. RRS 50-113.

Sec. 8. Alternate Presiding Officers. The President may name any member to perform the duties of the presiding officer, but such delegation shall not extend beyond adjournment.

Sec. 9. Convening of Legislature, Quorum. The President shall take the chair each legislative day at the hour to which the Legislature shall have adjourned at the last sitting. He or she shall call the Legislature to order, and a quorum being present, shall proceed in the manner and order prescribed by these Rules. A majority of the members elected to the Legislature shall constitute a quorum.

Const. Art. III, Sec. 10.

Sec. 10. Absence of Quorum. If the President finds that a number less than a quorum is present, he or she shall so state, and a majority of the members present, if five in number, may compel the presence of all members subject to a call of the house.

Sec. 11. Order and Decorum. The President shall preserve order and decorum, and in case of disturbance or disorderly conduct in the galleries, or in the lobby, may cause the same to be cleared.

Consent to enter chamber. Rule 2, Section 3.

Sec. 12. Overrule Ruling of the Chair. The President may speak to a point of order in preference to members, and shall decide the questions or order, subject to a challenge to the Legislature by any member, on which challenge no member may speak more than once, unless by leave of the Legislature. In the event of a challenge to a ruling of the chair, the ruling shall be restated and the question shall be phrased: "Shall the Chair be overruled?" A majority of those present shall be required to overrule the chair.

Sec. 13. Signing of Bills and Resolutions. The President shall sign, in the presence of the Legislature, while the same is in session and capable of transacting business, all bills and resolutions passed by the Legislature. All writs, warrants, and subpoenas issued by order of the Legislature shall be under his or her hand and seal, and attested to by the Clerk.

Only Lieutenant Governor or Speaker may sign bills. Const. Art. III, Sec. 14.

Sec. 14. Lieutenant Governor Voting, When. The Lieutenant Governor, when presiding, shall vote only when the Legislature is equally divided.

Const. Art. III, Sec. 10.

C. Speaker

Sec. 15. Speaker, Presiding, Privilege. The Speaker shall preside over the Legislature at such times and circumstances as is above set forth. He or she shall be privileged to speak at any stage of proceedings at any time incident to the duties and responsibilities of his or her office.

Distribution of material by Clerk. Rule 2, Section 3g.
Excuse attendance at committee hearing. Rule 2, Section 4.
Power to refer bill back to committee. Rule 6, Section 3g.
Signing of bills. Const. Art. III, Sec. 14.

Sec. 16. Report Order of Bills. (a) The Speaker, with the approval of the Executive Board, shall report to the Legislature the order in which bills and resolutions shall be considered on General File. The Speaker's orders, as approved, are final unless changed by a three-fifths vote of the elected members of the Legislature. General appropriation bills shall be given precedence over all other bills.

(b) The Speaker may, when sound judgment would so dictate, postpone the scheduled reconvening of the Legislature for up to forty-eight hours when (1) an emergency exists due to adverse weather or other causes, or (2) a quorum cannot be assembled within one half hour after the time to which the Legislature was to have convened.

(c) The Speaker shall prepare a daily legislative agenda and shall make every effort possible to deliver the agenda to the members of the Legislature not less than one day prior to the day for which the agenda was prepared.

D. Clerk of the Legislature

Sec. 17. Duties, Journal, Report on Employees. (a) The Clerk of the Legislature shall attend sessions, call the roll, and keep journal of proceedings.

(b) The Clerk of the Legislature shall print no paper or document, except bills and the daily Journal, unless authorized by a majority vote of the elected members of the Legislature, or by the Executive Board.

Preprinting of bills. Rule 5, Section 3.

(c) The Clerk of the Legislature shall have general charge, except as may be provided by law or by rule, of such parts of the Capitol and its passages as are or may be set apart for the use of the Legislature and its officers and employees.

(d) No communications or letters shall be read by the Clerk of the Legislature unless authorized by the Speaker or the Executive Board Chairperson.

General duties. RRS 50-114.
Distribute material, when authorized. Rule 2, Section 3g.
Fiscal notes, attach to bills. Rule 5, Section 6d.

Sec. 18. Journal, Governor's Messages, Amendments. (a) The Clerk shall prepare a daily Journal of the proceedings of the Legislature, which shall be printed and placed each day upon the desks of the members, and the presiding officer shall call in the regular order of business for corrections thereof. After corrections, if any are made, the Journal shall stand approved without motion.

Order of business. Rule 7, Section 1b.

(b) The Clerk shall enter in the daily Journal messages of the Governor in full, titles of bills, every vote, including the yeas and nays, and a brief statement of the contents of each resolution, petition, memorial, or other paper presented for the consideration of the Legislature.

Constitutional amendment, print in full. Const. Art. XVI, Sec. 1.

(c) The hour at which the Legislature adjourns shall be entered in the daily Journal.

(d) All amendments for which a vote is taken shall be entered in the daily Journal.

(e) Additional copies of the daily Journal, to be mailed at the Clerk's direction, shall be supplied for the use of each member in such manner as shall be provided by the Legislature.

(f) The bound Journal of the session shall be prepared from the corrected daily Journal.

(g) A verbatim record of all debate and questions on all bills and resolutions, and amendments offered thereto, shall be made, transcribed, and preserved under the direction of the Clerk.

(h) A list of lobbyists who are registered shall be set forth in the Journal.

On registration of lobbyists. RRS 49-1480 through 49-1492.

Sec. 19. Assistant Clerk, Duties. The Assistant Clerk shall, in the absence of the Clerk, be authorized to exercise all the duties herein prescribed for the Clerk of the Legislature, including the signing of those papers which may require the signature of the Clerk of the Legislature.

RRS 50-115.

E. Other Offices

Sec. 20. Sergeant at Arms. (a) The Sergeant at Arms shall attend the Legislature during its sittings, to execute the commands of the Legislature from time to time, together with all such processes issued by authority thereof as shall be directed to him or her by the presiding officer, and shall enforce strictly the rules as they relate to privileges of the legislative chamber.

RRS 50-116.

(b) The Assistant Sergeant at Arms shall assist the Sergeant at Arms and in the absence of the latter, shall perform all of the duties herein prescribed for the Sergeant at Arms.

(c) Such other security guards as may be necessary shall be under the direction of the Speaker.

Compel attendance at committee hearing. Rule 2, Section 4.

Sec. 21. Chaplain Coordinator. The Chaplain Coordinator shall work in conjunction with organized Nebraska groups of Clergy to arrange for prayer at the beginning of each day of the legislative session.

Sec. 22. Other Employees, Hiring of. The Executive Board of the Legislative Council shall hire all employees of the Legislature except those subject to the procedure in Rule 1, Section 2. The salaries of permanent employees shall be determined by the Executive Board subject to the limits of the appropriation bill.

RRS 50-112.

RULE 2--RULES OF PROCEDURE

Section 1. Rules, Matters Not Covered. These rules shall be adopted at the commencement of each regular session and, as amended from time to time, shall govern the Legislature for a period of one year. In all matters not covered herein, the Legislature shall decide as to the procedure to be followed, the same to require the concurrence of a majority of the elected members.

> *Overruling the chair. Rule 1, Section 12.*
> *Presiding officer, duties. RRS 50-113.*

Sec. 2. Rules, Suspension, Amendment. These rules may only be suspended by a three-fifths majority of the elected members by a machine vote, and such a motion shall not be amendable or divisible. These rules may be amended by a three-fifths majority vote of the members elected; Provided, any proposed amendment must first be referred to the Committee on Rules for consideration and report.

Sec. 3. Chamber, Guests, Distributions of Material. (a) The legislative chamber shall consist of the entire floor of the legislative chamber including the space under the balcony on either side adjacent thereto, or any other space designated by the Legislature or the Executive Board thereof.

(b) No person shall be admitted to the floor of the Legislature, as described in this rule, except the following:

(i) Members of the Legislature and their immediate families.
(ii) Officers and employees of the Legislature.
(iii) Reporters of regularly accredited newspapers and broadcasting stations.

(c) With the permission of the chair, members may invite guests to the legislative chamber to sit in those specially designated areas located in the rear of the chamber. When exercising this privilege, members should be sensitive to the matter under discussion on the floor and not have guests seated within the chamber who have a direct interest in the matter being discussed.

Any member may object to the presence of a guest within the chamber on the grounds that the guest has an interest in the matter being debated. If the chair concurs with this judgment, the guest shall be asked to leave the chamber.

No registered lobbyist shall be admitted to the chamber.

(d) The Governor, state officers, former legislators, and other distinguished visitors may be admitted to the floor upon permission from the chair.

State officials appearing before committees. Rule 3, Section 14.

(e) No one shall be permitted to be seated beside members of the Legislature except members of their immediate families upon permission from the chair. When bills are being read on Final Reading, no one other than members of the Legislature shall be permitted on the floor of the Legislature, except for employees of the Clerk of the Legislature's office.

(f) No person, other than those hereinbefore excepted, shall be admitted to the members' cloak room or post office, unless accompanied by a member.

(g) No printed or written material of any nature may be placed on the desks of the members or distributed to them in the legislative chamber, unless such material clearly indicates on its face the person responsible for its distribution. The distribution must be approved by at least one member of the Legislature. The Speaker may authorize the Clerk to distribute material prepared by state agencies.

(h) Members shall remain in their seats during the Final Reading of a bill and until the vote thereon has been announced, except when excused by the President or during discussion of amendments or motions offered pursuant to Rule 6, Section 8.

(i) No individual, other than a senator or officer of the Legislature, shall be allowed to address the Legislature except from the podium.

Sec. 4. Attendance at Sessions. (a) Every member shall be present within the legislative chamber during the meetings of the Legislature and shall attend the regular meeting of the standing committee of which he or she is a member, unless excused by the Legislature, the Speaker, or the committee chairperson. Members who have been excused by the Legislature or the Speaker shall notify their committee chairperson that they will be absent.

(b) The presence of any member may be compelled, if necessary, by sending the Sergeant at Arms, or such other person or persons as the membership present may authorize, at the expense of such absent member, unless such excuse for nonattendance is made as the Legislature may judge sufficient, and in that case the expense shall be paid out of the contingent fund.

Sec. 5. Absent Members, Explanation of Vote. Members who are shown as excused and not voting may have inserted into the Journal how he or she would have voted had he or she been present.

Sec. 6. Expulsion of Members. No member shall be expelled except by a vote of two-thirds of all members elected to the Legislature, and no member shall be twice expelled for the same offense.

Const. Art. III, Sec. 10.

Sec. 7. Senator Desiring to Speak. (a) When a member desires to speak in debate or to deliver any matter to the Legislature, he or she shall rise from his or her seat and respectfully address himself or herself to "Mr. or Madame President." A member shall speak only when recognized and shall confine his or her remarks to the question before the Legislature.

(b) No member shall interrupt the business of the Legislature nor speak to another who has the floor, except when he or she may yield to a question. No guest will be introduced during the legislative session except dignitaries and such dignitaries shall only be introduced by the presiding officer, provided that the presiding officer can announce the presence of visiting groups or organizations at his or her discretion. Those individuals and groups not introduced may be inserted in the Journal by request. No member shall use profane or abusive language when speaking to or about another member.

Sec. 8. Transgression of Rules, Call Member to Order. If any member, in speaking or otherwise, transgresses the Rules of the Legislature, the presiding officer shall, or any member may, call such member to order, in which case he or she shall immediately sit down, unless permitted on motion of another member to explain, and the Legislature shall, if appealed to, decide the case without debate. If the decision be in favor of the member called to order, he or she shall be at liberty to proceed, but not otherwise, and if the case requires it, he or she shall be liable to censure or such punishment as the Legislature may deem proper.

Sec. 9. Words Excepted To. If a member is called to order for words spoken in debate, the member calling him or her to order shall indicate the words excepted to, and they shall be taken down in writing at the Clerk's desk and read aloud to the Legislature, but he or she shall not be held to answer, nor be subject to the censure of the Legislature therefore, if further debate or other business shall have intervened.

Sec. 10. Time Limit on Speaking. Each member shall be allowed to speak up to three times for not more than five minutes on each occasion, upon any one question in deliberation during the legislative day, without leave of the Legislature, unless he or she be the mover, proposer, or introducer of the matter pending in which case he or she shall be permitted to speak in reply, but not until every other member choosing to speak shall have spoken. Provided, however, the mover, proposer, or introducer of the matter pending may speak for ten minutes when he or she first presents the matter to the Legislature.

Sec. 11. Personal Privilege. Personal privilege shall be, first, those affecting the rights, dignity, and integrity of the Legislature collectively; and second, the rights, reputation, and conduct of members individually. They shall have precedence over all other questions except motions to adjourn. Personal privilege shall not be used to permit any discussion or debate pertaining to any measure pending before the Legislature. All questions of privilege shall be channeled through the presiding officer, who shall determine their order of consideration.

RULE 3--COMMITTEES

Section 1. Committees in General. (a) Each committee of the Legislature is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Legislature, to require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, and to take such testimony, as it deems advisable. Each committee may make investigation into any matter within its jurisdiction, may report such hearings as may be had by it, and may present to the Legislature for its consideration any final reports and recommendations for action resulting from such investigations.

(b) A committee's subject-matter jurisdiction extends to all matters specified in the act creating the committee, or to all matters reasonably comprehended in the name of the committee. A committee's particular jurisdiction extends to any bill, resolution, or other measure referred to it by the Legislature, until final report of the measure has been made by the committee to the Legislature. A committee's particular jurisdiction shall also include review of the budgets of agencies, boards, and commissions reasonably encompassed in its subject matter jurisdiction.

(c) No committee may exercise any of the above mentioned powers in a manner contrary to the Rules of the Legislature or in a manner which exceeds the scope of the act defining the purpose of the committee.

(d) A committee may adopt the Model Committee Rules (Appendix A to Rule 3) as the rules to be used in governing the committee's activities.

Model Committee Rules-Appendix A on file in the Clerk's office.

Sec. 2. Appointment of Committees. (a) At the commencement of each session, the Legislature shall elect a Committee on Committees to consist of thirteen members, one at large who shall be chairperson, and three from District Number 1 consisting of legislative districts Numbers 1 through 3, 25 through 30, 32, 45, and 46; three from District Number 2 consisting of legislative districts Numbers 4 through 14, 20, and 31; three from District Number 3 consisting of legislative districts Numbers 15 through 19, 21 through 24, 34, 35, and 40; and three from District Number 4 consisting of legislative districts Numbers 33, 36 through 39, 41 through 44, and 47 through 49.

(b) The Committee on Committees, by a majority vote of all its members, shall recommend to the Legislature for its approval appointments to the standing and select committees, each with the number of members as hereinafter set forth, unless otherwise provided for by rule or by statute.

(c) The membership of all standing and select committees shall be appointed at the beginning of each session beginning in odd-numbered years and shall continue until the regular session in the next subsequent odd-numbered year.

(d) During session, all vacancies on standing or select committees created by the death or resignation of a member shall be filled by a majority vote of all members of the Committee on Committees unless otherwise provided for by rule or statute. A vacancy within the Committee on Committees shall be filled by a meeting of the caucus established pursuant to Rule 3, Section 2(a).

During the interim, all vacancies on standing or select committees created by the death or resignation of a member shall be filled by a majority vote of all members of the Executive Board.

Sec. 3. Standing Committees. (a) The standing committees of the Legislature shall be as follows:

Agriculture	8 members
Appropriations	9 members
Banking, Commerce and Insurance	8 members
Business and Labor	7 members
Education	8 members
General Affairs	8 members
Government, Military and Veterans Affairs	8 members
Health and Human Services	7 members
Judiciary	8 members
Natural Resources	8 members
Revenue	8 members
Transportation	8 members
Urban Affairs	7 members

(b) The Speaker shall not be a regular member of a standing committee.

Sec. 4. Select Committees. (a) The select committees of the Legislature shall be as follows:

Committee on Committees	13 members
Enrollment and Review	1 member
Reference	9 members
Rules	5 members

(b) Select committees shall be subject to the same procedural rules as standing committees insofar as they are applicable. In addition, the following provisions shall apply:

(c) Committee on Committees.

(i) The Committee on Committees shall have authority to call before it a committee chairperson and discuss the workload of said committee. It shall hear and dispose of all written complaints filed with said committee by a senator against any committee chairperson. The Committee on Committees shall conduct said hearing in accordance with its own rules.

(d) Enrollment and Review.

(i) The Chairperson of Enrollment and Review shall report bills which have been engrossed for Final Reading and passage. In the absence of the Chairperson, the Vice Chairperson of the Judiciary Committee shall assume the duties of the Chairperson of the Enrollment and Review Committee.

(ii) The bill drafting service shall have supervision of and provide legal services for Enrollment and Review Committee.

(iii) The Chairperson of Enrollment and Review shall have authority, without being required to include the same specifically in his or her reports and recommendations to the Legislature, in accord with accepted usage:

(A) To correct the spelling of words, to correct erroneous division and hyphenation of words, to capitalize or decapitalize words, to convert masculine or feminine referents to neutral gender when appropriate, and to change numbers from words to figures or from figures to words, in new and independent acts, in the new matter of amendatory acts, in standing committee reports, and in General File, Select File, and specific amendments.

(B) To underscore or remove underscoring, as the case requires, in standing committee reports and in General File, Select File, and specific amendments.

(C) When an amendment to add the emergency clause, the severability clause, or provide an operative date is adopted on Select File which does not spell out the standard clause or section and make the necessary change in the title, the Chairperson of Enrollment and Review shall also have the authority to add to the engrossed bill the standard clause or section, assigning to it the appropriate section number, and make the necessary change in the title as a matter of course without including such action in his or her reports and recommendations to the Legislature or making any special record thereof.

(D) To add and/or delete names of introducers to reflect action on the bill while the bill remains in the possession of the Legislature at any stage of consideration.

(E) To reflect votes on Final Reading as they may occur pursuant to Rule 6, Section 10 and Rule 6, Section 15.

(e) Reference Committee.

(i) The Executive Board shall constitute the Reference Committee. The Reference Committee shall review each bill and resolution and either refer the matter to the appropriate committee or to General File. The appropriate committee is that committee which has subject-matter jurisdiction over the issue or which has traditionally handled the issue.

(ii) All nominations made to the Legislature by the Governor, requiring confirmation by the Legislature shall be referred to the appropriate standing committee and the same procedure shall be followed as governs the handling of other matters before standing committees, unless the Legislature shall otherwise direct by unanimous vote.

(iii) The Clerk of the Legislature's office shall be responsible for the collection of pertinent information on gubernatorial appointments. That information will be distributed to the appropriate standing committee prior to the time of the confirmation hearing. The Clerk's office shall be the "depository" for background information on the individual, a statement of financial interests if applicable, and other biographical information that the committee chair feels is appropriate for the committee to have before it during the confirmation process.

(iv) The committees to which a gubernatorial appointee has been referred for confirmation shall conduct a confirmation hearing. Each appointee shall be required to appear in person before the committee conducting the confirmation hearing. The appearance of the appointee may be waived for good cause shown by a majority vote of the members assigned to the committee conducting the hearing.

The committee shall prepare a report either approving or rejecting the appointment. Said report shall be filed with the Clerk of the Legislature. The Legislature shall then have the opportunity to accept or reject the report of the committee.

(v) Any appointment letter received by the Clerk of the Legislature during the last eight calendar days of any regular legislative session shall not be acted upon. Acknowledgement of receipt of the appointment shall be deferred until the next regular or special session of the Legislature.

(f) Rules Committee.

All proposed rules changes shall be set for public hearing within five legislative days after their referral to the committee. The hearing shall take place within fifteen legislative days after the referral, and the committee shall take final action on the proposal within ten legislative days after the hearing.

(g) Investigating Committees.

The Committee on Committees may appoint other select committees when authorized by the Legislature. No investigating committee of the Legislature shall be created except by resolution which shall set forth, with supporting statements, the reasons for and the purposes of the investigation, and no committee thus established shall function except during the interim between legislative sessions.

Sec. 5. Special Committees. (a) Special committees shall include all authorized committees other than standing and select committees. Unless otherwise specifically provided, special committees shall not have jurisdiction over legislative bills, but shall be subject to the same procedural rules as standing committees, insofar as they are applicable.

(b) The special committees authorized by statute as of January 1, 1980 are as follows:

Building Maintenance. RRS 81-185	6 members
Education Commission of the States. RRS 79-2504	3 members
Executive Board of the Legislative Council. RRS 50-401.01	9 members
Intergovernmental Cooperation. RRS 81-816	5 members
Nebraska Retirement Systems. RRS 50-416	6 members
Performance Review and Audit. RRS 50-701.02	9 members

(c) The following special provisions shall be in force with regard to the following special committees:

(i) Intergovernmental Cooperation Committee.

In addition to the members of the Intergovernmental Cooperation Committee chosen in accordance with Section 81-816, the Executive Board may appoint temporary members to serve on such assignments as the chairperson shall direct.

(ii) Nebraska Retirement Systems Committee.

The Nebraska Retirement Systems Committee (RRS 50-416) shall have jurisdiction over all bills proposing new or amending existing retirement systems of the state and its political subdivisions.

Sec. 6. Meeting Times. (a) After consultation with the Speaker, the Committee on Committees shall publish a schedule of standing committee meetings, in such manner as to avoid, as far as possible, conflicts in the assignment of members to committees. Standing committees shall meet at 1:30 p.m. on weekdays, unless otherwise approved by the Legislature.

(b) A standing committee deciding not to hold meetings on the appointed day must receive permission from the Reference Committee.

(c) Any legislative committee shall be subject to the call of its chairperson or to the call of a majority of its members, in accordance with the notice and procedural requirements set forth in its committee rules.

Sec. 7. Chairperson, Vice Chairperson. (a) The chairperson of each standing and select committee shall be selected by secret ballot on the floor of the Legislature.

(b) The chairperson of a special committee shall be selected in the manner provided by the act authorizing the committee, or if not specified, by the Executive Board.

(c) Each committee shall elect from its membership a vice chairperson to serve in the absence of the chairperson.

Sec. 8. Committee Quorum. A majority of the members of a committee shall constitute a quorum. A quorum must be present for the transaction of any committee business except a public hearing.

Sec. 9. Quorum at Committee Hearings. A quorum of committee members should be maintained throughout all committee hearings.

Sec. 10. Conduct During Committee Hearing. No member, staff, media representative, or individual shall smoke or otherwise consume tobacco products during a committee hearing or while the committee conducts an executive session within the hearing room assigned to that committee for such purpose, unless the committee by a vote of the majority, with all the members present, taken at least once a session, decides otherwise.

Sec. 11. Temporary Appointments. (a) When a member is unable to serve, the chairperson of the committee, after a majority vote of the remaining members, shall request that such vacancy be filled by the Committee on Committees. Such committee shall appoint either the Speaker or a member from a standing committee having eight members to fill each vacancy.

(b) A temporary appointment may be made by the Chairperson of the Committee on Committees for only one day when requested by a chairperson of a standing committee which lacks a quorum. When a member is appointed from an eight-member committee, the consent of the member to be appointed shall first be obtained. The temporary appointee shall have the right to vote only on the bill or bills that actually have been heard by the appointee and provided that the vote is taken on such bills on the day the bill or bills are heard. When such appointment is made in case of an incapacitated member, such appointee shall cease to be a member of such committee upon the return of the incapacitated member for whom he or she was appointed.

Sec. 12. Consideration and Correlation of Bills and Resolutions. (a) Committees shall consider and report without unnecessary delay all bills and resolutions referred to them. Committees shall be authorized to combine and to correlate the provisions of different bills and resolutions referred to them and related to the same subject under the number of one of the correlated bills or resolutions, and when reported out under one bill or resolution number, the remaining bills or resolutions will be reported out as indefinitely postponed. Committees may, before taking final action on any bill or resolution, adopt amendments thereto, for the consideration of the Legislature.

(b) The chairperson of each committee shall set for hearing all bills and resolutions referred to the committee.

Sec. 13. Public Hearing, Notice. Before taking final action on a bill, resolution, or gubernatorial appointment, a committee shall hold a public hearing thereon and shall give at least seven calendar days' notice, after the bill or pronouncement of the appointee shall have been printed, by publication in the Legislative Journal. No bill or resolution having been set for public hearing shall be withdrawn nor the hearing cancelled within seven calendar days of the date set for said public hearing.

Sec. 14. State Officials Appearing Before Committees. State officials and department heads or their designees and state employees are encouraged to appear before any legislative committee to comment upon bills having an impact on the operations of the administrative agency or department for which they work.

Sec. 15. Executive Sessions and Closed Meetings. (a) Executive session shall mean any meeting or portion of a meeting which is closed to the general public, and the proceedings of which are not electronically recorded and transcribed, unless the committee so provides, but the records of which shall be available for public inspection. Executive sessions shall be open to members of the news media who may report on action taken and on all discussions in executive session.

(b) All other meetings of a committee shall be public unless the committee, by a majority vote of all of its members, determines that a meeting should not be open to the public, including members of the news media, in a particular instance, due to rare and extraordinary circumstances. The meeting shall be reconvened in open session before any formal action may be taken.

Sec. 16. Report of Bill to Legislature. (a) In reporting a bill to the Legislature, whether with or without amendments, a committee shall by vote of a majority of its members, recommend that the bill be placed on General File or that the bill be indefinitely postponed. Such action shall be taken at regularly scheduled meetings only.

(b) A report on a bill or resolution must be made to the Legislature within eight calendar days after the committee has taken final action upon the particular measure. Final action shall mean an affirmative vote of a majority of the committee members to advance a bill to General File with or without committee amendments or an affirmative vote of a majority of the committee members to indefinitely postpone the bill. A committee may reconsider any final action prior to the committee making a report on the bill or resolution to the Legislature, provided the reconsideration takes place within eight calendar days of the final action.

(c) No bill shall be reported by the committee to be placed on General File unless the amendments, if any, are approved as to form and draftsmanship by the Bill Drafter.

Sec. 17. Indefinitely Postponed Bills. If the committee action on a bill be to postpone indefinitely, the bill shall stand indefinitely postponed; except that such bill may be placed on General File or referred back to the committee by a three-fifths vote of the elected members upon motion made within three legislative days after the committee makes its report to the Legislature, or by a two-thirds vote of the elected members upon motion made more than three legislative days after such committee report. Not more than one bill shall be raised from committee on any one motion. A motion to raise cannot be amended to include any other bill or subject matter. A motion to raise must be disposed of by the Legislature within five legislative days after the motion is available for consideration or it shall be deemed defeated.

Sec. 18. Committee Statement. (a) The chairperson of each committee with the assistance of the legislative staff shall, when reporting a bill, submit with such bill a committee statement which shall contain, but need not be limited to, the following information:

(1) the one-line title and number of the bill;
(2) a roll call vote of final committee action taken on the bill;
(3) the date of the public hearing on the bill;

(4) a list of all individuals testifying for and against the bill and any organization they represent;
(5) a summary of the bill's purpose and a description of all major provisions for change in the bill as written and as amended by the committee;
(6) if committee amendments are to be introduced, a copy of the amendments and an explanation thereof.

(b) A copy of the proposed statement shall be distributed to each committee member within five days after final action on the bill has been taken by the committee. A minority or concurring statement bearing the signature or signatures of its proponents and setting forth objections to the bill, to proposed amendments, or to the majority statement may be filed by its author(s) with the Clerk of the Legislature at any time prior to the first hearing of the bill on General File.

(c) A copy of the committee statement and any minority statements submitted shall be distributed to each senator after filing with the Clerk of the Legislature. Copies of such statements shall be made available to the public.

Sec. 19. Request From Committee, Bills Held. (a) Except for the general appropriation bills necessary for the support of the state government for the biennium, the Legislature may, by vote of a majority of the elected members, request a status report from any committee at any time after said committee shall have been in possession of a bill or resolution for twenty legislative days.

(b) Any senator may move that a bill be placed on General File twenty calendar days or more after the committee hearing, if the committee has not taken final action on the bill, and by a vote of a majority of the elected members, said bill shall be placed on General File. If, at the expiration of eight calendar days from the date final action was taken, the chairperson has not reported the bill, any senator may file with the Speaker a motion that the chairperson be compelled to submit a report. After determining that final action on the bill has been taken at least eight calendar days prior to the date the motion was submitted, the Speaker shall accept the motion and compel the chairperson to file the committee's report on the matter.

(c) Any time any member attempts to take a bill from committee to be placed on General File, the bill shall stand indefinitely postponed and shall not be subject to reconsideration if the motion fails to receive a majority vote of the members elected to the Legislature. The introducer of the bill must concur with any motion offered under this rule.

Sec. 20. Subpoena Procedure. It is within the inherent power of any legislative committee to gather information pursuant to its regular functions, and to conduct investigations of matters within its subject-matter jurisdiction.

A committee's power of subpoena should not be exercised unless the committee has determined that no other method of securing the desired information would be successful or practicable, and that the matter is of primary importance to the welfare of the State of Nebraska.

A committee of the Legislature conducting an investigation and gathering information, whether pursuant to legislative direction or pursuant to its regular functions of oversight and bill preparation, shall observe the following procedures in addition to regular committee procedures whenever subpoenas are issued:

(A) Issuance of Subpoenas.

(i) A committee may, by a majority vote of all of its members taken at a meeting properly called, issue a subpoena requiring a person to appear before the committee and be examined in reference to any matter within the scope of the inquiry or investigation being conducted by the committee, but only when the committee has received prior approval by a majority vote of the Executive Board to issue subpoenas in connection with the specific inquiry or investigation in question.

(ii) The committee may, in the same manner, issue a subpoena or subpoena duces tecum requiring any person to appear before the committee and bring with him or her any books, papers, or other documents pertinent thereto.

(iii) While the Legislature is in session, a committee deciding to issue subpoenas must promptly report each issuance to the Legislature. A record shall be made in the Journal reflecting the date the subpoena was issued, to whom it was issued, for what purpose it was issued, and the date on which testimony or production of documents is to take place. Under extraordinary circumstances, the identity of the person subpoenaed may be withheld from publication if necessary to protect the safety of an individual or the confidentiality of the matters to be heard.

(iv) A person subpoenaed to attend a hearing of a committee shall receive the same fees and allowances as a person subpoenaed to give testimony in an action pending in a court of record.

(B) Notice to Witnesses.

(i) Service of a subpoena requiring the attendance of a person at a hearing of a committee shall be made in the manner provided by law for the service of subpoenas in civil actions at least seven days prior to the date of the hearing unless a shorter period of time is authorized by a majority vote of all of the members of the committee in a particular instance when, in their opinion, the giving of seven days' notice is not practicable; but if a shorter period of time is authorized, the person subpoenaed shall be given reasonable notice of the hearing, consistent with the particular circumstances involved.

(ii) Any person who is served with a subpoena to attend a hearing of a committee shall also be served with a copy of the act defining the purpose of the committee, a copy of the rules under which the committee functions, a general statement informing him or her of the subject matter of the committee's investigation or inquiry, and a notice that he or she may be accompanied at the hearing by counsel of his or her own choosing.

(C) Conduct of the Hearing.

(i) No committee which has issued a subpoena directing a witness to appear at a hearing shall question the witness unless a quorum is present throughout the questioning.

(ii) The hearing shall be public unless the committee, by a majority vote of all of its members, determines that a hearing should not be open to the public in a particular instance, due to rare and extraordinary circumstances consistent with Legislative Rule 3, Section 15(b) regarding closed meetings.

(iii) The chairperson of the committee shall preside at all hearings and shall conduct the examination of witnesses himself or herself or supervise the examination by other members of the committee. The committee may, by a majority vote of all its members, authorize the questioning of a witness by the committee's counsel or by special counsel.

(D) Right to Counsel and Submission of Questions.

(i) Every witness at the hearing may be accompanied by counsel of his or her own choosing, who may advise the witness of his or her rights, subject to reasonable limitations which the committee may prescribe to prevent obstruction of or interference with the orderly conduct of the hearing.

(ii) Any witness at the hearing, or a witness' counsel, may submit to the committee proposed questions to be asked of the witness or any other witness relevant to the matters upon which there has been any questioning or submission of evidence, and the committee shall ask such of the questions as it deems appropriate and relevant to the subject matter of the hearing.

(E) Testimony.

(i) The committee shall cause a verbatim record to be made of all proceedings in which testimony or other evidence is demanded or offered, which record shall include rulings of the chair, questions of the committee and its counsel, the testimony or responses of witnesses, sworn written statements submitted to the committee and read into the record, and such other matters as the committee or its chair may direct.

(ii) All testimony given or offered at the hearing shall be under oath or affirmation if the witness has been subpoenaed, and in other cases if a majority of the committee members present at the hearing so decide.

(iii) The presiding member at the hearing may direct a witness to answer any relevant question or furnish any relevant book, paper, or other document, the production of which has been required by subpoena duces tecum. Unless the direction is overruled by a majority vote of the committee members present, disobedience shall constitute a contempt.

(iv) A witness at the hearing or his or her counsel, with the consent of a majority of the committee's members present at the hearing, may file with the committee for incorporation into the record of the hearing sworn written statements relevant to the purpose, subject matter, and scope of the committee's investigation or inquiry.

(v) Testimony and other evidence given or offered at a hearing closed to the public shall not be made public unless authorized by a majority vote of all of the members of the committee, which authorization shall also specify the form and manner in which the testimony or other evidence may be released.

(vi) A witness at a closed hearing, upon request and at his or her own expense, shall be furnished a transcript of his or her testimony at the hearing.

(F) Interested Persons.

(i) Any person whose name is mentioned or who is otherwise identified during the hearing and who, in the opinion of the committee, may be adversely affected thereby, may, upon his or her request or upon the request of any member of the committee, appear personally before the committee and testify in his or her own behalf, or, with the committee's consent, may file a sworn written statement of facts or other documentary evidence for incorporation into the record thereof.

(ii) Upon the consent of a majority of its members, a committee may invite any other person to appear at a hearing or submit a sworn written statement of facts or other documentary evidence for incorporation into the record thereof. No invitation to appear, and no request to appear, appearance, or submission of evidence shall limit in any way the committee's power of subpoena.

(iii) Any person who appears before a committee pursuant to this section shall have all the rights, privileges, and responsibilities of a witness provided to all other witnesses.

(G) Contempt.

A person shall be in contempt if he or she:

(i) Fails or refuses to appear in compliance with a subpoena or, having appeared, fails or refuses to testify under oath or affirmation;

(ii) Fails or refuses to answer any relevant question or fails or refuses to furnish any relevant book, paper, or other document subpoenaed by or on behalf of a committee; or

(iii) Commits any other act or offense against a committee which, if committed against the Legislature, would constitute a contempt.

The chairperson of a committee may apply to the Legislature or, during the interim, to the district court of any county to compel obedience by proceedings for contempt.

(H) Penalties.

(i) A person guilty of contempt under the provision of these rules shall be subject to punishment pursuant to RRS 50-105 and 50-106 during the session, or to RRS 50-407 when the Legislature is not in session.

(ii) If a committee fails in any material respect to comply with the requirements of these rules, any person subject to a subpoena or a subpoena duces tecum who is injured by such failure shall be relieved of any requirement to attend the hearing for which the subpoena was issued or, if present, to testify or produce evidence therein; and such failure shall be a complete defense in any proceeding against such person for contempt or other punishment.

(iii) Any member or employee of the Legislature, other than the witness concerned or his or her counsel who knowingly violates subsections of these rules concerning the publication of testimony taken at a closed hearing, shall be in contempt of the Legislature or, if a member of the Legislature, shall be subject to sanction or suspension according to the statutes governing the Legislature. The speaker on his or her own motion or on the application of any person claiming to have been injured or prejudiced by an unauthorized disclosure may institute proceedings for the determination of the issue and for the imposition of penalties provided herein. Nothing in this subsection shall limit any power which the Legislature may have to discipline a member or employee or to impose a penalty in the absence of action by a prosecuting officer or court.

(I) Limitation of Rules.

Nothing contained in this section shall be construed to limit or prohibit the acquisition of evidence or information by any committee by any lawful means not provided for herein.

RULE 4--RESOLUTIONS

Section 1. Identification. A resolution shall be designated as Legislative Resolution ____. All resolutions shall be numbered consecutively for each Legislature. All resolutions shall be introduced and read by the Clerk upon introduction and shall be printed in the Legislative Journal.

73-74 Attorney General Opinion No. 13--Resolutions must be printed and read before a vote is taken.

Sec. 2. When Considered as a Bill. Resolutions which propose amendments to the state constitution, propose the ratification or rejection of amendments to the federal Constitution, or memorialize the Congress with regard to amendments to the U.S. Constitution, shall be considered and adopted in the same manner as bills.

Const. Art. III, Secs. 13, 14; Art. IV, Sec. 15; Art. XVI, Sec. 1. Cannot appropriate funds by resolution. Const. Art. III, Sec. 25.

Sec. 3. Study Resolutions: Introduction; Referral; Standing Committees; Select Committees; Results. (a) Any senator or committee may introduce resolutions proposing interim studies. The resolutions shall be submitted to the Clerk of the Legislature on a form prescribed by the Clerk, printed in the Journal, and referred to the Executive Board.

(b) Study resolutions may be introduced up to and including the 80th legislative day in odd number years and the 50th legislative day in even number years. However, each standing committee may introduce one additional study resolution prior to adjournment sine die. The Executive Board shall refer the study resolutions to the appropriate standing committees or to select interim committees created by it to conduct such studies.

(c) Study resolutions shall be prioritized by the chairperson of the committee to which they are referred, and a report on those priorities shall be filed with the Clerk, on a form prescribed by the Clerk, prior to adjournment sine die. Also, the chairperson of each committee shall file with the Clerk, on a form prescribed by the Clerk, his or her committee's study plan for the highest prioritized interim studies referenced to such committee. This study plan shall be filed no later than thirty days after adjournment sine die. Unless otherwise agreed to, staff to interim studies conducted by standing committees shall be headed by the respective committee counsels. Legislative aides whose senators serve on such standing committees and legislative aides of other interested senators may be invited by the respective committee counsels to participate as staff in the conduct of the interim studies. The provisions of this section shall in no way limit the standing committees in their traditional prerogatives to conduct hearings and oversee matters and agencies that are within their subject matter jurisdiction.

(d) The Executive Board may, on its own behalf, conduct interim studies or create select interim committees to do so. Before creating a select interim committee, the Board shall consider whether the subject matter proposed for study by such a committee lies within the jurisdiction of one or more standing committee. To the extent possible, the jurisdiction of a select interim committee created by the Board shall be limited to subject matters that do not lie wholly within the jurisdiction of one or another standing committee. Membership on a select interim committee shall, to the extent possible, include senators who are both interested in serving on such a committee and are from the standing committees that have the most direct concern with the subject matter proposed for study. Select interim committees shall meet no later than five legislative days prior to adjournment sine die to organize and to review study plans. Staff to select interim committees shall be drawn from the Legislature's division staffs (e.g., fiscal, research, bill drafting), be based upon a joint plan submitted to the Executive Board by the division directors, may include other interested legislative staff, and shall be coordinated by the Legislative Research Division, and the chairpersons of the standing committees involved with the select interim committee.

(e) The Executive Board shall retain its traditional prerogatives to consider and refer study proposals arising from extraordinary circumstances after the deadlines established in this section.

(f) The chief sponsor of a study resolution, if not otherwise a member of the committee to which the resolution is referred, shall be an ex officio member of the committee during and only for the conduct of the study.

(g) On or before December 1 of each year, each standing and select interim committee shall file a report, on a form prescribed by the Clerk, with the Executive Board on the disposition of the study resolutions referred to them. These reports shall be printed in the Journal at the beginning of the next session of the Legislature.

(h) The results or final reports of studies conducted by standing committees may be prepared in a format of their choosing. Seven copies of each completed standing committee report shall be filed with the Legislative Reference Library. The results or final reports of studies conducted by select interim committees shall be prepared and published in a format prescribed by the Legislative Research Division, and copies of such studies will be indexed and filed with the Legislative Reference Library.

RRS 50-404.

Sec. 4. Enrollment and Review, Amended Resolutions. All resolutions, if amended, shall pass through the process of Enrollment and Review in the regular course of their consideration.

Sec. 5. Vote Required for Adoption. All resolutions shall be adopted by an affirmative vote of a majority of the members present and voting except for those specified in Section 2; Provided, upon the request by any members prior to the commencement of the vote, a resolution shall require an affirmative vote of a majority of the elected members. Resolutions specified in Section 2 shall be considered and adopted in the same manner as bills.

Sec. 6. Resolutions, Lay Over Requirement. Resolutions shall lay over for consideration at least one legislative day after introduction.

Sec. 7. Engrossed Resolutions. Only those resolutions specified in Sections 2 and 3 of this rule shall be engrossed unless otherwise ordered by the Legislature or unless the Clerk determines the nature of the resolution is such that upon its adoption it must be engrossed to properly achieve the purpose for which it was presented. All resolutions which are engrossed shall be enrolled and signed by the Lieutenant Governor or Speaker and certified to by the Clerk as to the date of final passage.

Const. Art. III, Sec. 14.

Sec. 8. Reference to Committee. Resolutions other than those covered by Sections 2 and 3 of this rule shall upon the recommendation of the Speaker of the Legislature be referred to the Reference Committee for referencing to the appropriate committee.

Sec. 9. Reviving Resolution Killed by Committee. If the standing committee report on a resolution be to postpone indefinitely, the resolution shall stand indefinitely postponed; Provided, that such resolution may be considered by the members of the Legislature if a majority vote of the elected members so direct, provided the motion is made within three legislative days after the committee makes its report to the Legislature. A motion to raise cannot be amended to include any other resolution or subject matter. The provisions of this section shall not apply to resolutions considered as bills pursuant to Rule 4, Section 2.

Sec. 10. Committee Statement. A committee, when reporting out a resolution, shall attach thereto a statement setting forth what is sought to be accomplished and the committee vote. The statement shall be set out in full in the Journal.

Emergency seat of government; Resolution proving for, must be signed by Governor. RRS 23-2103.

RULE 5--BILLS--GENERAL PROVISIONS

Section 1. Drafting of Bills. The Bill Drafter shall prepare all bills and amendments in proper form when requested by members of the Legislature, newly elected members of the Legislature, or heads of executive departments. No bills or major amendments shall be introduced or considered unless the same has been approved as to form and draftsmanship by the Bill Drafter. In order to shorten the length of sections, the Bill Drafter shall, in the drafting of new sections, make each paragraph a separate section except when to do so would be contrary to sound bill drafting practice. The Bill Drafter shall make available a continuing compilation of sections to which amendments are proposed so as to reduce unnecessary duplication of bills. This section index of bills drafted shall be available to all senators, newly elected senators, and other persons entitled to have bills drafted. After January 1 of each year no bill shall be drafted by the Bill Drafter unless requested or authorized by a member of the Legislature.

Sec. 2. Content and Form of Bills. (a) A bill shall be designated as Legislative Bill _____.

Style of bill. Const. Art. III, Sec. 13.

(b) No bill shall contain more than one subject and the same shall be clearly expressed in the title. No law shall be amended, unless the new act contains the section or sections as amended, and the section or sections so amended shall be repealed.

Const. Art. III, Sec. 13.

(c) An amendatory bill or constitutional provision shall be so prepared and printed as to show the new matter proposed, old matter to be retained, and old matter to be omitted from the statutes or constitution.

(d) Appropriations bills and "A" bills shall contain the following elements:

(1) the phrase "there is hereby appropriated";

(2) a specific fund type shall be identified and the fund shall be appropriated;

(3) the amount to be appropriated from such fund shall be identified;

(4) a specific budget program or a specific statement reflecting the purpose for expending such funds shall be identified; and

(5) the time period during which such funds shall be expended shall be identified.

RRS 49-804.

Sec. 3. Revisor Correctional Bills, Preprinting. (a) Preceding each legislative session, the Chairperson or any member of the Executive Board of the Legislative Council, or if the Executive Board so requests, the senator who, in the preceding session served as Chairperson of the Judiciary Committee, shall sign as introducer the Revisor of Statutes' correctional bills. The Clerk of the Legislature shall number these bills consecutively beginning with number 1 and shall show the committee reference to be General File. The Clerk of the Legislature shall have these bills printed before the convening of the next regular session.

(b) In addition to causing to be printed the revisor bills, the Clerk shall number and cause to be printed all bills delivered to him or her by the Executive Board, provided said Board has referred said bills to a standing committee. No bill so printed shall be withdrawn until after the Legislature convenes.

Sec. 4. Introducers Signing Bills. (a) Members shall introduce only such bills as they are willing to endorse and support personally. The last name and district shall be used, unless an initial or name is necessary to identify the introducer. Any member may request to have his or her name added as co-introducer of a bill but only if the principal introducer has concurred, in writing, to that request.

(b) A standing committee or special committee may introduce a bill for any purpose, including at the request of another senator, provided said bill receives the endorsement of a majority of the committee members whose names shall be on the bill.

(c) No bill shall be introduced after the tenth legislative day of any session, except:

1. "A" bills, appropriation bills, and bills introduced at the request of the Governor may be introduced at any time;
2. A standing committee or special committee may request that the Legislature consider introduction of a bill. A vote of three-fifths of the elected members of the Legislature shall be required for such bill to be introduced, and a copy of the statement of intent for such bill

must be placed on each member's desk before introduction of the bill is voted upon.

3. The special committee created by Legislative Resolution 5 on January 11, 1989, and continued by Legislative Resolution 232 on January 4, 1990, regarding the Franklin Credit Union investigation and matters related thereto, may introduce bills at any time during the course of the 1990 legislative session. Said bills to be introduced must receive endorsement of a majority of the committee members whose names shall appear on the bill in order to fall within the purview of this section.

(d) Individual members shall not be limited as to bill introduction. Each committee shall be limited to 8 bills each session. Bills introduced as a result of an interim study of the Legislative Council shall be included within the limitations prescribed by this section. Special committees created as a result of an interim study resolution and as authorized by the Executive Board shall be considered as separate committees for purposes of the limitations prescribed by this section. Bills introduced under Rule 5, Section 3(a) and bills introduced at the request of the Governor will not be included in the limitation.

(e) The introducers of all bills must submit a statement of intent for each bill to the appropriate committee chairperson at least 24 hours prior to the bill's hearing. The statement of intent should discuss clearly and completely the purposes and effects of the bill.

Sec. 5. Scheduling of Bills, Priority Bills. (a) Each senator may designate one bill as a priority bill. Such priority bill need not be the designator's bill, but the principal introducer must concur with the designation as a priority bill and with the withdrawal of the designation once made.

(b) Each chairperson of those committees which are authorized to hold public hearings on bills may designate as priority bills two of the bills referenced to that committee and on which the committee has held a public hearing.

(c) The Speaker may designate up to 25 additional priority bills.

(d) Priority bill designations may be made at any time prior to the annual designation deadline which shall be set each year by the Speaker. The designation deadline shall be prior to the 45th legislative day in the ninety day session and prior to the 30th legislative day in the sixty day session.

(e) A senator or committee may withdraw a priority designation at any time, but will not be allowed to designate another bill as a priority bill in its place. The Speaker may withdraw a priority designation made by the Speaker.

(f) All committees shall schedule priority bills for public hearing ahead of all unscheduled, nonpriority bills unless the person or committee making the priority designation shall otherwise agree.

(g) All bills not designated as priority bills shall be heard on General File in the order in which they are reported to the floor by the committees, unless the introducer of the bill and the Speaker agree to delay the hearing of a particular bill. This provision shall not be construed to prevent the Speaker from placing bills reported out of committee with two or less dissenting votes on a consent calendar. Any bill placed on consent calendar shall be removed at the written request of three or more senators.

(h) Priority bills shall generally be considered ahead of all other bills at each stage of debate, except that priority bills requiring the expenditure of appropriated funds shall be held on Final Reading until such time as the annual appropriations bills have been passed. A priority bill which fails to advance after two votes on General File, or after one vote on Select File, shall return to nonpriority status.

(i) No priority bill designated under this rule shall have priority over appropriations bills.

Sec. 6. Fiscal Analyst. (a) A copy of every bill introduced shall be transmitted by the Clerk to the Legislative Fiscal Analyst. The Legislative Fiscal Analyst shall review each bill and make an estimate of the anticipated change in state, county, or municipal expenditures or revenue under the provisions of the bill. The Legislative Fiscal Analyst shall prepare a statement to be known as a fiscal note to be attached to each bill prior to its public hearing by a committee, or its first consideration on General File if the bill is referred directly to General File. The fiscal note shall set forth the fiscal impact of the bill and the governmental subdivision affected by the fiscal impact as determined by the Legislative Fiscal Analyst. No bill which has a fiscal impact shall be heard by a committee or considered on General File unless the fiscal note is attached.

(b) In determining the fiscal impact of any bill, the Legislative Fiscal Analyst shall request the appropriate department or other entity of state government or subdivision thereof, or appropriate association which will be affected by the bill, to prepare the fiscal note within five calendar days.

(c) The Legislative Fiscal Analyst shall review the fiscal note so prepared and shall also request a review of such fiscal note by the Budget Division of the Department of Administrative Services. The statement by the Budget Division of the Department of Administrative Services shall be attached to and become a part of the fiscal note. The Legislative Fiscal Analyst shall include in the fiscal note any exceptions to the conclusions of the department or other entity and of the Budget Division of the Department of Administrative Services.

(d) The fiscal note shall be delivered by the Legislative Fiscal Analyst to the Clerk at least twenty-four hours prior to the public hearing on the bill or, in the event the bill is referred directly to General File, twenty-four hours prior to the first consideration of the bill on General File. The Clerk shall present the fiscal note to the principal introducer. If extenuating circumstances prevent the Legislative Fiscal Analyst from meeting this deadline, he or she shall present to the principal introducer an unofficial summary of all available fiscal information on the bill by this deadline and deliver to the Clerk the fiscal note when it is available. The Clerk shall attach the fiscal note to the bill and to all copies prepared for members.

(e) When amendments to a bill are adopted by the Legislature and such amendments would change the fiscal impact of the bill, the appropriate changes shall be made in the fiscal note each time the bill is advanced to Enrollment and Review or upon the written request of a member of the Legislature.

(f) When any bill proposes adoption of a new program or change of an existing program either of which would require an appropriation to implement in the ensuing fiscal year, an appropriation bill for the purposes of funding the provisions of such bill shall be prepared from the information contained in the fiscal note. Such appropriation bill shall be prepared at the direction of the Chairperson of the

Appropriations Committee. Such bill shall be placed on General File and considered as introduced by the introducer of the original bill or by the committee which offered the amendments creating the expenditure, and shall bear the number of the original bill with the letter "A" added, and shall accompany the original bill through all stages of the legislative process. All bills for which an "A" bill is prepared shall be bracketed on Final Reading until the "A" bill is advanced to Final Reading.

(g) The authorization bill shall first be considered and if it should be passed on Final Reading then the "A" bill shall be read and voted on for final passage.

(h) The fiscal note shall be factual in nature, as brief and concise as may be, and shall, if possible, provide a reliable estimate in dollars and, in addition, it shall include both the immediate effect and, if determinable or reasonably foreseeable, the long range effect of the measure. If, after investigation, it is determined that no dollar estimate is possible, the fiscal note shall contain a statement to that effect, setting forth the reasons why no dollar estimate can be given.

(i) No comment or opinion shall be included in the fiscal note with regard to the merits of the measure for which the note is prepared, however, technical or mechanical defects may be noted.

(j) The subject matter of bills submitted to boards, commissions, departments, agencies, or other entities of the state by the Fiscal Analyst shall be kept in strict confidence by said agencies and by the office of Fiscal Analyst together with the content of the fiscal note itself and no information relating thereto shall be divulged by any official or employee prior to its introduction in the Legislature.

(k) To implement the provisions of and assure compliance with Art. III, Sec. 22 of the Nebraska Constitution (deficiency appropriations), and Art. IV, Sec. 7 of the Nebraska Constitution (appropriations in excess of Governor's request), the Appropriations Committee shall advise the Legislature of the number of votes required to assure passage of the same.

For creation of position. RRS 50-418.
For duties of position. RRS 50-419.

Sec. 7. Governor's Budget Bill. The budget bill prepared by the Governor shall be shown as introduced by the Speaker of the Legislature at the request of the Governor.

Governor's budget message. Const. Art. IV, Sec. 7.

Sec. 8. Reading Title of Bills, Printing. Every bill and resolution shall be read by title when introduced, and a printed copy thereof provided for the use of each member, and the bill and all amendments thereto shall be printed and read at large before the vote is taken upon its final passage.

Const. Art. III, Sec. 14.

Sec. 9. Engrossment of Bills. All bills, before being advanced to Final Reading and passage, shall be engrossed, and copies thereof showing new and stricken matter shall be made available to members.

Sec. 10. Expenditure of Legislative Funds. Those expenditures on which the Legislature votes shall require the approval of the majority of the elected members.

Sec. 11. Withdrawal of Bills. No bill, having been introduced, may be withdrawn except upon motion of the first introducer with the consent of his or her co-introducers. Such motion, when made, shall not be considered prior to the next succeeding legislative day, and, for its adoption, shall require the affirmative vote of a majority of those voting upon the question.

Withdrawal of bills set for hearing. Rule 3, Section 13.

Sec. 12. Division of Bills, Prohibited. No bill shall be divided into two or more bills.

Sec. 13. Holding of Bills. Unless otherwise disposed of, all bills on which no final action has been taken by the time of adjournment of the regular session in odd-numbered years shall be held over for consideration at the regular session convening in even-numbered years.

RULE 6--BILLS--STAGES OF CONSIDERATION

Section 1. Introduction of Bills. Starting with regular sessions in odd-numbered years, bills shall be numbered consecutively starting with the number 1. Bills introduced in regular sessions in even-numbered years shall start with the number following the number of the last bill introduced in the preceding regular session of an odd-numbered year, (bills introduced in any special session shall start with the number 1) and shall be numbered consecutively as read by the Clerk. After introduction, bills requiring reference shall be delivered to the Reference Committee.

Sec. 2. Objection to Reference of Bills. (a) Any member may object to the reference of any bill or other proposition, and correction in case of error in reference may be made by the Legislature by unanimous consent, or by the vote of a majority of the elected members.

(b) Those bills and resolutions placed on General File by the Reference Committee will be bracketed for five calendar days, and if one senator requests a public hearing on one or more of these matters, they will then be referred to a committee. Bills on General File for which public hearings have not been requested will be handled as all bills on General File.

Sec. 3. General File. (a) The Clerk of the Legislature shall read the number and the title of the bill and the name of the principal introducer as it comes up for consideration on General File. A bill will not be read section by section unless requested by a member of the Legislature.

(b) Each section shall be open to amendment. The amendments, if any, recommended by standing committees, shall first be considered. The introducer's amendments, if any, shall next be considered, after which he or she may move to advance and explain the bill. Other amendments and motions permitted by these rules may then be offered and shall be considered after the introducer has explained the bill in the order in which they are filed with the Clerk, subject to the provisions of Rule 7, Section 3.

(c) Bills shall be listed and considered on General File in the order in which they shall be reported from the standing committees, except as modified by the Speaker; Provided, that any bill that comes up for debate for a second time, with the introducer present, shall be placed by the Clerk at the bottom of General File if said introducer asked for further time, unless otherwise directed by the Speaker.

Speaker determine order of bills. Rule 1, Section 16.

(d) During consideration of bills on either General or Select File, any member may move that the bill be passed over once and if the motion is carried by a majority of those voting, the bill shall be passed over and shall retain its place on the file.

(e) At any stage of consideration of a bill, a motion to bracket or to bracket to a day certain or to unbracket shall, if made by the primary introducer of the bill, require a majority of those voting. If made by other than the primary introducer, there shall then be required a majority vote of the elected membership. In any event, such motions shall alternatively be passed by unanimous consent of the body.

(f) In the event a motion to indefinitely postpone a bill is made before the bill is read on General File, such motion shall require the affirmative vote of a majority of the elected members.

(g) In the event a bill has become substantially a new and different bill by reason of amendments having been adopted, the Speaker may refer said bill to the Reference Committee who must refer the said bill to a proper committee for a public hearing; Provided, that a majority of the elected members may overrule the decision of the Speaker.

(h) If, in the opinion of the Speaker, the bill is in such form that it should properly be referred back to committee for further action, he or she may by order direct the same; Provided, that a majority of the elected members may overrule the decision of the Speaker. Any motion to amend a bill shall require a majority vote of the elected members and any amendment to an amendment shall require a majority vote of the members voting. Any motion to amend an appropriation bill or a motion to amend an amendment to an appropriation bill shall require a majority vote of the elected members.

(i) Any bill failing to receive 25 votes to be advanced to Enrollment and Review Initial after three attempts shall be indefinitely postponed.

The following votes shall be required to adopt the following motions affecting bills on General File:

UC--Unanimous Consent; MEM--Majority of Elected Members; MTV--Majority of Those Voting.

GENERAL FILE

		Rule-Sec.
On introduction of bill		
Withdraw bill	**MTV**	**5-11**
On consideration of bill on General File		
Move to pass over	**MTV**	**6-3d**
Move to change order	**3/5**	**1-16**
Move to indefinitely postpone before bill is read	**MEM**	**6-3f**
Move to indefinitely postpone after bill is read	**MTV**	
Move to advance to E & R Review	**MEM**	**6-4**
Move to return to committee	**MEM**	
Move to reconsider		
(within one legislative day thereafter)	**MEM**	**7-7a**
(if after one legislative day, by suspension of the rules only)	**3/5**	**7-7a**
Move to amend	**MEM**	**6-3h**
Move to amend the amendment	**MTV**	
Move to withdraw bill by first introducer	**MTV**	**5-11**
If returned from Select File		
Motion to return to Select File	**MEM**	**6-5d**
Motion to amend	**MEM**	**6-5f**
Motion to advance	**MEM**	**6-4**
Defeated bill, motion to reconsider	**MEM**	**7-7**

Sec. 4. Enrollment and Review. Bills when advanced to Enrollment and Review shall be reviewed for recommendations relative to arrangement, phraseology, and correlation. Advancement to Enrollment and Review from General File for such purpose shall require a majority of the elected members. A motion to return to General File from Enrollment and Review shall, for adoption, require the concurrence of a majority of the elected members.

Sec. 5. Select File. When the Legislature considers bills on Select File, any of the following motions shall be in order.

(a) A motion to approve or reject any or all of the changes recommended by the Chairperson of Enrollment and Review.

(b) A motion to adopt an amendment to a bill or an amendment to an amendment which shall require a majority of the elected members.

(c) A motion to recommit to the proper standing committee.

(d) A motion to recommit to General File for one or more amendments. If the motion to return is adopted, the bill shall be considered first on General File. Any motion may be made the same as when the bill was first on General File. If the bill is readvanced, it shall be given priority consideration by Enrollment and Review. If the bill is not altered, it may be advanced to Enrollment and Review for engrossment.

(e) A motion to postpone indefinitely.

(f) Motions made pursuant to subsections b, c, d, and e hereof may be adopted only upon the affirmative vote of a majority of the elected members.

(g) Amendments recommended by Enrollment and Review shall not be read by the Clerk except upon the request of a member of the Legislature.

(h) Notwithstanding any other provision contained in this section, if the Enrollment and Review Committee returns a bill to Select File from engrossment, then only the specific Enrollment and Review Committee amendments may be considered.

(i) Any bill failing to receive 25 votes to be advanced to Enrollment and Review Final after two attempts shall be indefinitely postponed.

The following votes shall be required to adopt the following motions affecting bills on Select File:

SELECT FILE

		Rule-Sec.
Motion to advance to E & R for Engrossing if machine vote requested	MEM	
Motion to act on E & R amendment	MTV	6-5a
Motion to amend	MEM	6-5b
Motion to recommit to a standing committee	MEM	6-5c
Motion to return to General File for amendment	MEM	6-5d
Motion to indefinitely postpone	MEM	6-5e
On bill returned from E & R Engrossing & Final Reading		
Motion to return for specific amendment	MEM	6-6
Motion to adopt specific amendment	MEM	6-6

Sec. 6. Return to Select File. On a motion to return a bill to Select File for a specific amendment, a majority of the elected members must concur. No other amendment shall be considered when the bill is so returned. Such amendment when considered may be adopted by a majority of the elected members.

Sec. 7. Final Reading. No bill shall be voted on for final passage until:

(a) After five legislative days following the introduction of the bill.

(b) Two legislative days after its reference to Final Reading.

(c) Printed copies of the bill in its final form, as amended, shall have been available to members and on their desks for at least one legislative day.

Const. Art. III, Sec. 14.

Sec. 8. Final Reading, Motions. On Final Reading the bill shall be read at large with all amendments thereto before the vote is taken. At any time before the roll call shall have begun on Final Reading of the bill, it shall be in order to move:

(a) To recommit the bill to Enrollment and Review to correct an error and for re-engrossment.

(b) To recommit the bill to the proper standing committee, with or without instructions.

(c) To recommit the bill to Select File for specific amendment, which amendment may be adopted by a vote of a majority of the elected members.

(d) Any bill returned to Select File for a specific amendment, may if the amendment is rejected, be readvanced to Final Reading without going through Enrollment and Review. A motion to so advance shall require the concurrence of a majority of the elected members.

Members to remain in their seat. Rule 2, Section 3i.
No one to be seated beside member during Final Reading. Rule 2, Section 3f.

The following votes shall be required to adopt the following motions affecting bills on Final Reading:

FINAL READING

		Rule-Sec.
To return to standing committee	**MEM**	**6-8**
To return to E & R to correct an error	**MEM**	**6-8**
To return to Select File for specific amendment	**MEM**	**6-6**
To pass on Final Reading	**MEM**	**6-9**
With emergency clause attached	**2/3**	**6-10**
Creation of state office *Const. Art. IV, Sec. 27*	**2/3**	
Motion to reconsider (when failed on Final Reading)	**3/5**	**7-7**
Override Governor's veto	**3/5**	**6-11**
"A" bills considered		**5-6**

Sec. 9. Question on Final Reading. The question after the Final Reading of a bill shall be: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' " If the emergency clause is contained in the bill, the words "with the emergency clause attached" shall be added to the question.

Majority of elected members required. Const. Art. III, Sec. 13.

Sec. 10. Emergency Clause, Votes Required. When a bill containing the emergency clause does not receive the required two-thirds constitutional majority on Final Reading, then the emergency clause shall be considered stricken, and the bill without the emergency clause shall be pending on Final Reading, and the question then shall be, "Shall the bill pass with the emergency clause stricken?"

Const. Art. III, Sec. 27.

Sec. 11. Governor's Veto, Further Legislative Action. (a) Upon the day of receipt of a message from the Governor announcing his or her veto of a bill, or on any of the next five legislative days in the same annual session, any member may move that the bill so vetoed be taken up for passage in the form presented to the Governor. The Legislature shall decide upon the motion no later than five legislative days, in the same annual session, after receipt of the message from the Governor announcing his or her veto of the bill, whereupon the question shall be, "Shall the bill pass notwithstanding the objections of the Governor?" No bill vetoed by the Governor shall be taken up by the Legislature for any purpose other than passage of the bill notwithstanding the objections of the Governor or for override of a line-item veto.

Three-fifths vote of the elected members required to pass bill over Governor's veto. Const. Art. IV, Sec. 15. See also Art. IV, Sec. 7.

The Governor may disapprove any item or items of appropriation contained in bills passed by the Legislature, and the item or items so disapproved shall be stricken therefrom, unless repassed in the manner prescribed in case of disapproval of bills.

Const. Art. IV, Sec. 15.

(b) On the sixth legislative day following the receipt of a veto message, or within five calendar days following the sine die adjournment of a legislative session, the Clerk shall transmit to the Secretary of State all vetoed bills and line-item vetoed bills wherein no motion to override has been offered, or upon which a motion to override has been unsuccessful.

Sec. 12. Bills, Passed Over Governor's Veto. Should the Legislature pass a bill over the objections of the Governor by the necessary constitutional majority, it shall so certify and deposit the same with the Secretary of State.

RRS 84-503.

Sec. 13. Certificates. Whenever the Legislature shall override a line-item veto, on any bill as provided for in Article IV, Section 15, the Clerk of the Legislature shall cause to be placed on such bill a certificate in content and form as provided for in RRS 84-503 and shall list the items so overridden by section, page, and line.

In addition to such certificate, the Clerk of the Legislature shall note on each line, when the Legislature votes to override, a stamp reading "line-item veto overridden" and place thereon the date and his or her initials.

Sec. 14. Appropriations Bills, Procedure After Veto. (a) Whenever the Governor shall have vetoed more than one item in an appropriation bill, the Appropriations Committee shall review said veto and the Chairperson of the Appropriations Committee shall report within one legislative day to the Legislature on it's fiscal implications, and affect on operations. If the Appropriations Committee by majority vote decides to recommend to the Legislature an override of the veto on any portion of such an appropriation bill, the Chairperson of the Appropriations Committee or his/her designee shall first be permitted an opportunity to move that the entire bill become law notwithstanding the line-item veto therein.

(b) If such motion fails or is not offered, the Chairperson of the Appropriations Committee or his/her designee shall then introduce motions to override selected portions of the vetoed bill.

(c) Any member of the Legislature may then offer a motion to override the veto of the bill or any portion thereof if the Appropriations Committee by majority action decides not to recommend overriding the veto of the bill or the veto of that portion of the bill.

(d) It shall require 30 votes of the elected members to amend a veto override motion that includes another line-item veto.

Sec. 15. Constitutional Amendments, Votes Required. When a proposed constitutional amendment does not receive the required four-fifths constitutional majority necessary to submit such proposed amendment to the electors at a special election, then the special election language of the bill shall be stricken, and the bill shall be pending on Final Reading, and the question shall be, "Shall the bill pass providing for the submission of such proposition at the next general election?"

> *Constitutional Amendment. If proposition is to submit amendment to electorate at special election fails to receive 4/5 plurality, then amend bill to provide for general election when adoption is by 3/5 plurality. RRS 49-236.*

RULE 7--PROCEEDINGS AND MOTIONS

(A) Order of Business

Section 1. Meeting Time, Restrictions. (a) The Legislature shall meet annually at 10:00 a.m. on the first Wednesday after the first Monday in January of each year and thereafter on each legislative day at 9:00 a.m., and adjourn not later than 1:00 p.m., unless otherwise ordered by a majority vote of its members present and voting thereon. The Legislature shall remain in session until it shall adjourn sine die, but in no event shall it remain in session for longer than ninety (90) legislative days in odd-numbered years or sixty (60) legislative days in even-numbered years. This limitation may be suspended by a four-fifths vote of the elected senators. Each day the Legislature convenes shall be considered a legislative day.

Const. Art. III, Sec. 10.

(b) The order of business of the Legislature shall be as follows; except as otherwise provided by the Speaker.

a. Prayer by the Chaplain
b. Roll call
c. Call for correction of the Journal
d. Petitions and memorials
e. Notice of committee hearings and reports
f. Bills on Final Reading
g. Resolutions
h. Introduction of bills and reading by title
i. Consideration of bills on Select File
j. Motions to reconsider
k. Motions to advance bills from committee
l. Other pending motions
m. Unfinished business, including messages on President's desk
n. Consideration of bills on General File
o. Miscellaneous business

(c) Messages from the Governor may be received at any stage of the proceedings.

(d) Upon call for the introduction of bills, any member or any standing committee to which bills are referred for consideration may introduce one or more bills.

Introduction of bills. Rule 6, Section 1.

(B) Voting Machine

Sec. 2. Voting, Electric Roll Call. (a) All votes shall be taken viva voca unless otherwise provided for herein. Questions shall be distinctly put in this form, to wit: "Those who are in favor of the question say 'aye'; those who are opposed to the question say 'nay.' "

(b) If a machine vote is called for or if the presiding officer is in doubt, he or she shall cause the result to be obtained by means of the electric roll call system, and in such event shall accept only machine tallied votes except that voice votes shall be accepted on a motion before the house while the house is under call. The presiding officer may vote by voice. Only the totals shall be printed in the Journal. Once having voted aye or nay, senators may call in a change to not voting prior to the locking of the voting board.

(c) Upon the final passage of a bill, or of a resolution if the same required the same consideration as a bill, the vote shall be by yeas and nays, and the electric roll call system shall be used. Voice votes shall be accepted on Final Reading.

(d) Whenever the "ayes" and "nays" are taken by machine vote, no member shall be permitted to vote after the decision is announced by the presiding officer or the Clerk. Votes not registered on the electric roll call system shall not be counted for or against a proposition. In announcing such vote, the Clerk shall announce the ayes, the nays, those present and not voting, those absent and not voting, and those excused and not voting, and on any action to advance or amend bills, these totals shall be set forth in the Journal. Voice votes shall be accepted on roll call or record votes.

(e) Only senators physically in the legislative chamber may vote.

(C) Motions

Sec. 3. Motion, in Writing, Withdrawal. (a) A motion shall be either stated by the presiding officer or read by the Clerk before a vote is taken. All motions shall be submitted in writing if requested by the presiding officer or any senator.

Once motions are stated they may be withdrawn or modified by the mover before a decision, amendment, or ordering of a vote has been made. A motion to reconsider may be withdrawn only with unanimous consent or a majority vote of the elected members.

When a question is under debate, no motion shall be considered except one of the following, which motions shall take precedence in the order stated.

a. To adjourn
b. For the previous question
c. To postpone to a time certain
d. To recommit to a committee
e. To amend
f. To postpone indefinitely

Such motions shall have precedence in the order in which they are arranged, except that motions to postpone indefinitely and amend do not yield to each other.

When any of the following motions shall be made, any action on such motion shall be delayed at least one legislative day and the motion shall be printed in the Legislative Journal:

a. Motion to postpone indefinitely on General File or Select File, unless the introducer(s) of the bill, or the committee chairperson in the case of committee bills, request(s) that the motion to postpone indefinitely be considered immediately without the one day delay.
b. Motion to place on General File pursuant to Rule 3, Section 19(b).
c. Motion to place bills on General File, notwithstanding the action of a standing committee.

(b) When a motion or other proposition is under consideration, a motion to amend and a motion to amend that amendment shall be in order.

(c) Amendments to the title shall be made by the Enrollment and Review Committee.

(d) No motion, proposition, or subject, different from that under consideration, shall be admitted under color of amendment. Any amendment that is not germane is out of order. Germane amendments relate only to details of the specific subject of the bill and must be in a natural and logical sequence to the subject matter of the original proposal. A nongermane amendment includes one that relates to a substantially different subject.

(e) Any member may call for the division of a question, which shall be divided if it comprehends propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the Legislature. Once a division is ordered by the presiding officer, each component shall be treated as a separate and distinct proposition. Once a vote or change has occurred on any of the divisible questions, the remaining divided sections may not be withdrawn without a majority of those voting or without unanimous consent. A motion to strike out and insert shall be deemed indivisible, but a motion to strike out being lost, shall not preclude an amendment or a motion to strike out or insert. Such call for division shall not be allowed when considering motions under Rule 6, Section 6.

(f) When motions are made for reference of the same subject to a select committee and to a standing committee, the question on reference to the standing committee shall be considered first.

Sec. 4. Shall the Debate Cease. The previous question shall be in this form, "Shall the debate now close?"

The previous question shall be made only in the normal course of speaking order and shall be in order when demanded by five or more members, and must be sustained by the vote of a majority of the elected members, and until decided shall, except as provided in this section of this rule, preclude further debate and all amendments and motions, except one motion to adjourn. The presiding officer may rule the previous question out of order if in the presiding officer's opinion a full and fair debate has not been afforded, due to the complexity of the subject matter. The ruling of the presiding officer shall be subject to overrule in accordance with Rule 1, Section 12 of these rules.

On a previous question there shall be no debate. All incidental questions of order, arising after a motion is made for a previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

When the previous question shall have been ordered on a proposition under debate, the mover, proponent, or introducer of such proposition shall be given the right to close the debate thereon.

After a motion to indefinitely postpone a bill has been offered, and the introducer of the motion has made his or her opening remarks on the motion, the principal introducer of the bill shall immediately be permitted to speak for five minutes on such motion.

Sec. 5. Call of the House. A call of the house may be made by any member in the manner following: "I move for a call of the house." The presiding officer shall direct that the board be cleared and the members shall then vote on placing themselves under call. If a majority of the senators present and voting, vote in favor of such a motion, then the Legislature shall be deemed to be under call. Each member present shall indicate his or her presence upon the electric roll call system and shall remain in his or her seat during the call. After the Clerk shall note the names of the absentees, proceedings under the call may be suspended at any time by a majority vote of the members then present, and when so suspended shall not again be ordered on the proposition pending, except by a majority vote of the members elected.

Lieutenant Governor votes only when Legislature equally divided. Rule 1, Section 14.
Voice vote while house under call. Rule 7, Section 2b.

Sec. 6. Postpone to Time Certain. No motion to postpone to a time certain, to commit, or to postpone indefinitely being decided, shall again be allowed on the same day at the same stage of the bill or proposition.

Sec. 7. Reconsideration. (a) When a question has been decided, it shall be in order for any member voting with the prevailing side, or not voting, to move for a reconsideration thereof. A motion to reconsider must be made on the same day the original question was decided or on the next legislative day, except when it be to reconsider the vote on a bill which lacked the constitutional majority on a Final Reading. In such case, it must be made on the same day the original question was decided or on one of the next three legislative days. A motion to reconsider must be disposed of by the Legislature within five legislative days after making the same or it shall be deemed defeated. If the Legislature shall refuse to reconsider, or upon reconsideration shall affirm its first decision, no further motion to reconsider shall be in order unless by unanimous consent.

Motion to reconsider cannot be withdrawn without leave. Rule 7, Section 3.

(b) Every motion to reconsider shall take preference over all other questions, except a motion to adjourn.

(c) For its adoption, a motion to reconsider shall require the vote of a majority of the elected members, except:

- i Where such motion be to reconsider the vote on a bill which lacked the constitutional majority on a Final Reading, then a three-fifths vote shall be required for adoption.
- ii Where such motion be to reconsider the vote on a bill which lacked the constitutional majority on a Final Reading with the emergency clause attached, but which received the constitutional majority with the emergency clause stricken and the purpose of the motion is to again add the emergency clause, then a two-thirds vote of the elected members shall be required for adoption.
- iii Where such motion be to reconsider the vote on a motion to pass a bill notwithstanding the objections of the Governor or for override of a line-item veto, then a three-fifths vote shall be required for adoption.
- iv Where such motion be to reconsider the vote on a motion to suspend the rules, then a three-fifths vote shall be required for adoption.

(d) For a bill on General File, no motion to reconsider shall be in order until the bill has failed to advance three times; for a bill on Select File, no motion to reconsider shall be in order until the bill has failed to advance two times; for a bill passed on Final Reading, no motion to reconsider shall be in order except by the introducer of the bill, for technical or clarifying amendments.

(e) Whenever a bill is returned from the Governor for further action pursuant to the Legislature's request for such return, motions for reconsideration necessarily incident to opening a bill for further action shall be admitted regardless of the time limitation otherwise imposed by this rule.

Sec. 8. Strike the Enacting Clause. A motion to strike the enacting clause, if adopted, is equivalent to rejection of the bill. It shall not have precedence over a motion to amend nor a motion to indefinitely postpone.

Sec. 9. Motion to Adjourn. A motion to adjourn shall be in order, except:

a. While a member is speaking.
b. When a motion to adjourn has just been defeated.
c. After the Final Reading of a bill and during roll call thereon.

A motion to adjourn to a time certain shall have precedence over a motion to adjourn. A motion to recess shall take precedence over either of such motions.

When a motion to adjourn or recess has been made, the Speaker shall be privileged to speak to the motion prior to any vote on such motion. A motion to adjourn or recess is not debatable.

A motion to adjourn or recess shall be adopted if approved by a majority of members voting.

RULE 8--APPROPRIATIONS PROCESS

Section 1. Purpose. The purpose of this rule is to provide a procedure for the Legislature to develop appropriations for all state agencies, boards, and commissions. Such procedure shall consider the need to (1) continue the services and financial assistance provided by state agencies and programs, (2) restrict the growth in state appropriations, and (3) provide for the efficient and effective use of state revenue by utilizing standing committee subject matter expertise in the review of agency, board, and commission budget requests.

Sec. 2. Appropriations Committee Report. The Legislature's Appropriations Committee, by majority vote of its members, shall annually prepare a report summarizing the recommended total General Fund appropriation for each year of the following biennium. Such report shall include information based upon the committee's initial review of (1) state agency, board, and commission budget requests, (2) the Governor's budget, (3) the estimated revenue receipts for each year of the following biennium, (4) General Fund reserve requirements, (5) express obligations, and (6) economic conditions affecting the State of Nebraska.

Sec. 3. Report, When Required. The report required in Section 2 of this rule shall be printed in the Legislative Journal and presented to each member of the Legislature by the Chairperson of the Appropriations Committee between twenty and thirty legislative days after the Governor presents his or her budget during sessions in odd-numbered years and between fifteen and twenty legislative days after the Governor's budget presentation during session in even-numbered years.

Sec. 4. Standing Committee Appropriations Review. (a) Each standing committee may hold a budget request review hearing on the agency, board, and commission budgets reasonably encompassed in its subject matter jurisdiction. The chairperson of the standing committee shall coordinate the scheduling of such hearings with the Chairperson of the Appropriations Committee. The standing committee shall obtain a determination from the Executive Board that the budget to be reviewed is within its subject matter jurisdiction. It may make recommendations with regard to proposed appropriations to the Appropriations Committee.

(b) The chairperson of each committee may, when the budget review hearing on each agency, board, and commission is complete, submit a standing committee appropriations review statement which shall contain, but need not be limited to, the following information:

(1) the identity of the agency, board, or commission budget reviewed,

(2) the date of the hearing,

(3) a list of all the individuals testifying with regard to the budget,

(4) a summary of requested and proposed changes to the original agency, board, or commission budget, and

(5) a summary and explanation of standing committee recommendations on the agency, board, or commission budget in such form as the standing committee deems appropriate.

(c) A copy of the proposed standing committee appropriations review statement shall be distributed to each committee member within five days after final committee action on the budget review hearing has been taken by the committee. A minority or concurring statement bearing the signature or signatures of its proponents and setting forth objections to the standing committee appropriations review statement may be filed by its author(s) with the Clerk of the Legislature at any time prior to the first hearing of the Appropriations Bill on General File.

(d) A copy of the standing committee appropriations review statement and any minority statements submitted shall be distributed to each senator after filing one copy with the Appropriations Committee Chairperson and one with the Clerk of the Legislature. Distribution to senators shall be the responsibility of the Clerk of the Legislature.

(e) The Appropriations Committee shall review each standing committee appropriations review statement prior to final action by the Appropriations Committee and placement of the appropriations bills on General File, if such statement is received prior to final action on the permanent budget. The Appropriations Committee shall not be bound to adopt the recommendations in the standing committee appropriations review statement.

(f) The Appropriations Committee shall make available to the appropriate standing committee all currently available information at its disposal.

Sec. 5. Bills, Held on Final Reading. The report of the Appropriations Committee shall include a recommended dollar amount of the

General Fund biennium appropriation which shall be allocated for the funding of "A" bills, bills that result in the net reduction of revenue to the General Fund, tax expenditure bills, and amendments to the appropriations bills as reported to General File by the Appropriations Committee. During a 90 day session, all "A" bills which, when considered with their companion bill, appropriate general funds resulting in a net loss; all bills resulting in the reduction of revenue to the General Fund; and all tax expenditure bills shall not be read on Final Reading until the appropriations bills are passed by the Legislature. Provided the Appropriations Committee shall place appropriations bills on General File no later than the 70th legislative day in a 90 day session and the 40th legislative day in a 60 day session. If this deadline is not met, the Legislature shall consider the appropriations bills as introduced by the Governor. During a 60 day session, all "A" bills which, when considered with their companion bill, appropriate general funds resulting in a net loss; all bills resulting in the reduction of revenue to the General Fund; all tax expenditure bills; and all appropriations bills shall not be read on Final Reading prior to the 45th legislative day. The appropriations bills shall be passed no later than the 80th legislative day in a 90 day session and the 50th legislative day in a 60 day session. The appropriations provided for in an "A" bill shall be for not less than two fiscal years.

Sec. 6. Bill, Setting Tax Rates. The Legislature's tax rate bill shall be passed no later than the 85th legislative day in a 90 day session and the 55th legislative day in a 60 day session.

RULE 9--SPECIAL SESSIONS

Section 1. Purpose. The purpose of this rule is to establish special procedures for the Legislature to utilize during a special session. This rule recognizes the necessity of the Legislature to address the business for which it is called together in an expeditious and fair fashion and provides that certain legislative procedures established for regular sessions shall not unduly burden the activities of the Legislature during a special session.

Sec. 2. Convening of the Legislature. Pursuant to the directive contained in the proclamation issued by the Governor, either upon the concurrence of two-thirds of the members of the Legislature according to the procedure established by section 50-125 or upon the call of the Governor under the authority of Article IV, section 8, of the Nebraska Constitution, the Legislature shall convene in special session. The first item of business shall be the introduction of bills and resolutions, both of which shall be numbered consecutively beginning with the number one. Bills and resolutions offered by the Speaker at the request of the Governor or offered pursuant to the statement filed with the Secretary of State and agreed to by two-thirds of the members of the Legislature shall be introduced ahead of all other proposals. After introduction, all bills and resolutions shall be handled in the manner provided in this rule. Bills shall be introduced only during the first three days of the session. Resolutions which are not considered and adopted in the same manner as bills may be introduced at any time during the session.

Sec. 3. Resolution Considered as a Bill. Resolutions which propose amendments to the state constitution, propose the ratification or rejection of amendments to the federal Constitution, or memorialize the Congress with regard to amendments to the U.S. Constitution, shall be considered and adopted in the same manner as bills.

Sec. 4. Committee Hearings. Within one legislative day following the introduction of bills and resolutions, or pronouncement of a gubernatorial appointment, the Reference Committee shall review each bill, resolution, and gubernatorial appointment and refer the matter to the appropriate standing committee. The committee to which the bill, resolution, or gubernatorial appointment is referred shall provide as much public notice of the time and place of the hearing on the matter as is reasonable under the circumstances by publication in the Legislative Journal, but in no case shall the hearing be more than five calendar days after the date the bill, resolution, or gubernatorial appointment has been referred to the committee.

Sec. 5. Report of Bill or Resolution to Legislature. The committee to which a bill or resolution has been referred shall make a report on the bill or resolution to the Legislature within twenty-four hours after the committee has taken final action on the matter. If, at the expiration of twenty-four hours from the time final action was taken, the chairperson has not reported the bill or resolution, any senator may file with the Speaker a motion that the chairperson be compelled to submit a report. After determining that final action on the bill or resolution has been taken at least twenty-four hours prior to the time the motion was submitted, the Speaker shall accept the motion and compel the chairperson to file the committee's report on the matter.

Sec. 6. Indefinitely Postponed Bills and Resolutions. If the committee action on a bill or resolution is to postpone indefinitely, the bill shall stand indefinitely postponed, except that such bill or resolution may be placed on General File or referred back to the committee by a majority vote of the elected members. Not more than one bill or resolution shall be raised from committee on any one motion. A motion to raise shall not be amended to include any other bill, resolution, or subject matter. A motion to raise shall take precedence in order over all other motions, except a motion to adjourn.

Sec. 7. Bills and Resolutions Held by Committee. If the committee has not taken final action on a bill or resolution within two days after the committee hearing, any senator may move that the bill or resolution be placed on General File. If a majority of the elected members vote in favor of the motion, the bill shall be placed on General File.

Sec. 8. Pending Proposals Indefinitely Postponed. At the conclusion of a special session, all bills and resolutions which have not been enacted shall stand indefinitely postponed and shall not carry over to the next legislative session.

Sec. 9. Rules Controlling When Conflict Exists. When a conflict exists between the provisions of this rule and other provisions of the Rules of the Nebraska Legislature, the provisions of this rule shall apply.

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LEGISLATION

Bill Titles, Resolutions, and
Subject and Section Indexes
Introduced in the
Ninety-Second Legislature,
First Session, 1991
and Pending Before the
Ninety-Second Legislature,
Second Session, 1992

January 8, 1992

03-01-10-92

STATUS OF CARRYOVER

BILLS

AND

RESOLUTIONS

Introduced in the
Ninety-Second Legislature, First Session, 1991
and pending before the
Ninety-Second Legislature, Second Session, 1992

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FINAL READING: 142A 748 LR186CA

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- Business and Labor: 39 360 370 467 499 551 690 735

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LEGISLATIVE BILL 17. Introduced by Withem, 14; Baack, 47.

A BILL FOR AN ACT relating to elections; to amend sections 48-115 and 48-603, Reissue Revised Statutes of Nebraska, 1943, and sections 32-705 and 32-1403, Revised Statutes Supplement, 1990; to regulate the payment of petition circulators as prescribed; to provide for the applicability of the Employment Security Law and the Nebraska Workers' Compensation Act; and to repeal the original sections.

LEGISLATIVE BILL 18. Introduced by Withem, 14.

A BILL FOR AN ACT relating to elections; to prohibit the scheduling of certain meetings, events, or activities on election day.

LEGISLATIVE BILL 21. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to the Nebraska Ground Water Management and Protection Act; to amend section 2-3211.01, Revised Statutes Supplement, 1990; to eliminate a provision authorizing a tax levy for special ground water quality protection areas; to harmonize provisions; and to repeal the original section, and also section 46-674.19, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 22. Introduced by Coordsen, 32; Haberman, 44.

A BILL FOR AN ACT relating to the Administrative Procedure Act; to amend section 84-920, Reissue Revised Statutes of Nebraska, 1943; to provide for legislative review of administrative rules and regulations; to provide a duty for the chairperson of the Executive Board of the Legislative Council; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 26. Introduced by Withem, 14.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend sections 14-204, 14-810, 17-103, 17-104, 17-202, 17-203, 19-404, 19-612, 31-702, 31-727, 31-727.01, 31-748, and 77-2704, Reissue Revised Statutes of Nebraska, 1943, and sections 14-201, 19-405, 19-411, and 19-613, Revised Statutes Supplement, 1990; to require districts to have more than one means of ingress and egress; to provide for a district representative on city councils or village boards as prescribed; to provide for the annexation of districts by a certain time as prescribed; to change provisions relating to certain construction standards; to provide for the maintenance of certain improvements as prescribed; to change a provision relating to the rights for resident taxpayers to bring certain actions as prescribed; to exempt district purchases from sales tax; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 27. Introduced by Bernard-Stevens, 42.

A BILL FOR AN ACT relating to firefighters; to prohibit the sale and purchase of certain clothing and equipment as prescribed; to provide a penalty; and to define a term.

LEGISLATIVE BILL 28. Introduced by Bernard-Stevens, 42.

A BILL FOR AN ACT relating to liability; to amend section 28-1417, Reissue Revised Statutes of Nebraska, 1943; to require political subdivisions to defend and pay judgments in behalf of firefighters and emergency medical services providers; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 34. Introduced by Hefner, 19.

A BILL FOR AN ACT relating to liquefied petroleum gas; to amend sections 57-504 and 57-505, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the marking and filling of cylinders and liquified petroleum gas tanks, storage vessels, and containers; and to repeal the original sections.

LEGISLATIVE BILL 38. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to public target ranges; to authorize the use of federal funds; and to provide powers and duties for the Game and Parks Commission.

LEGISLATIVE BILL 39. Introduced by Baack, 47.

A BILL FOR AN ACT relating to the Employment Security Law; to amend section 48-601, Reissue Revised Statutes of Nebraska, 1943, and section 48-628, Revised Statutes Supplement, 1990; to remove benefits for seasonal employees as prescribed; to define terms; to provide duties for the Commissioner of Labor; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 41. Introduced by Baack, 47.

A BILL FOR AN ACT relating to school retirement; to amend section 79-1515, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to credit for military service by school employees as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 42. Introduced by Baack, 47.

A BILL FOR AN ACT relating to roads; to define open range road; and to provide for liability for injury or damage on an open range road as prescribed.

LEGISLATIVE BILL 45. Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to public power districts; to amend sections 70-612, 70-617, 70-620, 70-624, and 70-637, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the boundaries of certain subdivisions; to authorize an alternative to corporate surety bonds; to eliminate a publication requirement for certain salaries; to exempt certain projects from bidding requirements; and to repeal the original sections.

LEGISLATIVE BILL 46. Introduced by Schellpeper, 18; Dierks, 40; Smith, 33.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1990, LB 520A, sections 1 and 2; to appropriate funds to aid in carrying out the provisions of Legislative Bill 520, Ninety-first Legislature, Second Session, 1990; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 49. Introduced by Schmit, 23.

A BILL FOR AN ACT relating to water; to amend section 46-252, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to conducting water into or along natural streams or channels; and to repeal the original section.

LEGISLATIVE BILL 52. Introduced by Haberman, 44.

A BILL FOR AN ACT relating to scholarships; to establish a medical education scholarship program; to provide powers and duties for the Board of Regents of the University of Nebraska; to provide powers and duties for the Department of Health; to provide procedures and criteria; and to declare an emergency.

LEGISLATIVE BILL 54. Introduced by Withem, 14; Lindsay, 9.

A BILL FOR AN ACT relating to the University of Nebraska; to amend sections 32-1401, 32-1402, 32-1405, 32-1406, and 32-1407, Revised Statutes Supplement, 1990; to provide for elections to recall members of the Board of Regents of the University of Nebraska; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 55. Introduced by Withem, 14; Lynch, 13.

A BILL FOR AN ACT relating to infants; to amend section 43-2007, Reissue Revised Statutes of Nebraska, 1943; to provide a penalty for failure to perform certain duties relating to flagged school records; and to repeal the original section.

LEGISLATIVE BILL 56. Introduced by Smith, 33.

A BILL FOR AN ACT relating to the Gaming Commission; to eliminate provisions relating to the creation and purpose of the commission; and to repeal section 9-1,102, Revised Statutes Supplement, 1990.

LEGISLATIVE BILL 60. Introduced by Beyer, 3.

A BILL FOR AN ACT relating to motor carriers; to amend section 75-308, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to tariffs; and to repeal the original section.

LEGISLATIVE BILL 64. Introduced by Beyer, 3.

A BILL FOR AN ACT relating to auctioneers; to amend sections 14-109, 25-1536, 25-2144, 54-1186, 69-1331, and 79-1066, Reissue Revised Statutes of Nebraska, 1943; to adopt the Auctioneer Licensing Act; to require certain sales to be conducted by licensed auctioneers; to eliminate provisions relating to municipal regulation of auctioneers and nonresident auctioneers; to harmonize provisions; and to repeal the original sections, and also sections 15-217, 16-237, and 81-887.01 to 81-887.03, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 65. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to counties; to amend section 23-119, Reissue Revised Statutes of Nebraska, 1943; to remove the tax levies of certain entities from calculations relating to the levy limitation on counties; and to repeal the original section.

LEGISLATIVE BILL 66. Introduced by Schmit, 23.

A BILL FOR AN ACT relating to the Erosion and Sediment Control Act; to amend section 2-4603, Revised Statutes Supplement, 1990; to change a provision relating to application of the act to certain construction activities; and to repeal the original section.

LEGISLATIVE BILL 68. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to the University of Nebraska-Lincoln; to require payment of football players as prescribed; to state intent; and to provide a limitation.

LEGISLATIVE BILL 70. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to low-level radioactive waste; to amend sections 81-15,102.01, 81-15,107, and 81-15,113.01, Revised Statutes Supplement, 1990; to change provisions relating to compensation for loss of property value; to provide for the protection of certain endangered species as prescribed; to change a provision relating to allocations from the Community Improvements Cash Fund; and to repeal the original sections.

LEGISLATIVE BILL 72. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to the Low-Level Radioactive Waste Disposal Act; to amend section 81-1578, Revised Statutes Supplement, 1990; to state intent; to provide for an election to determine community consent; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 73. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to the Low-Level Radioactive Waste Disposal Act; to amend section 81-1578, Revised Statutes Supplement, 1990; to restrict the issuance of a license as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 78. Introduced by Lindsay, 9; Labedz, 5; Dierks, 40; Crosby, 29.

A BILL FOR AN ACT relating to abortion; to amend sections 28-326 and 28-327, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to informed consent; to redefine a term; and to repeal the original sections.

LEGISLATIVE BILL 80. Introduced by Warner, 25.

A BILL FOR AN ACT relating to state government; to amend section 50-419, Reissue Revised Statutes of Nebraska, 1943, and section 84-612, Revised Statutes Supplement, 1990; to require certain statements of General Fund receipts; to require the transfer of funds as prescribed; to provide calculations for the General Fund budget limitation; to provide duties for the Legislative Fiscal Analyst, the Director of Administrative Services, and the Tax Commissioner; to define a term; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 83. Introduced by Warner, 25.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.01, 77-2715.02, 77-2734.02, 77-27,156, and 81-125, Reissue Revised Statutes of Nebraska, 1943; to require the State Board of Equalization and Assessment to set the rates for sales and income taxes; to provide powers and duties for the board, the Tax Commissioner, the Director of Administrative Services, and the Legislative Fiscal Analyst; to harmonize provisions; to eliminate provisions setting the rates of sales and income tax; to provide an operative date; and to repeal the original sections, and also sections 77-2701.01 and 77-2701.02, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 84. Introduced by Dierks, 40; Lindsay, 9; Rogers, 41; Crosby, 29; Schmit, 23; Labedz, 5.

A BILL FOR AN ACT relating to abortion; to prohibit certain acts by public employees relating to abortions; to prohibit the use of public facilities and funds for certain abortions as prescribed; to define terms; and to provide for enforcement.

LEGISLATIVE BILL 89. Introduced by Landis, 46.

A BILL FOR AN ACT relating to African-Americans; to establish the Commission on African-American Affairs; to provide powers and duties; and to provide for an executive board and a director.

LEGISLATIVE BILL 92. Introduced by Landis, 46.

A BILL FOR AN ACT relating to the Mobile Home Landlord and Tenant Act; to amend sections 76-1450 and 76-1457, Reissue Revised Statutes of Nebraska, 1943; to define a term; to provide procedures for the sale or transfer of a mobile home park and for changing the use of a mobile home park; to state intent; to authorize resolutions or ordinances to regulate rent and the creation of review boards; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 93. Introduced by Landis, 46.

A BILL FOR AN ACT relating to motor vehicles; to amend section 39-669.22, Reissue Revised Statutes of Nebraska, 1943, and sections 39-669.07, 39-669.08, and 39-6,122, Revised Statutes Supplement, 1990; to provide for the use of ignition interlock devices as prescribed; to change provisions relating to the assessment of points against operators' licenses; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 99. Introduced by L. Johnson, 15.

A BILL FOR AN ACT relating to the Nebraska Bingo Act; to amend sections 9-201, 9-203, and 9-216, Revised Statutes Supplement, 1990; to define and redefine a term; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 101. Introduced by L. Johnson, 15.

A BILL FOR AN ACT relating to the State Department of Education; to provide for the employment of a consultant trained in environmental issues as prescribed; and to provide an appropriation.

LEGISLATIVE BILL 102. Introduced by Pirsch, 10.

A BILL FOR AN ACT relating to the Nebraska Crime Victim's Reparations Act; to amend sections 81-1801, 81-1806, 81-1808, 81-1810, 81-1812, 81-1815, 81-1817 to 81-1820, and 81-1823, Reissue Revised Statutes of Nebraska, 1943, and sections

81-1809, 81-1816, and 81-1832, Revised Statutes Supplement, 1990; to define a term; to provide for hearings to be conducted by the executive director of the Nebraska Commission on Law Enforcement and Criminal Justice; to eliminate hearing officers; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 103. Introduced by Pirsch, 10.

A BILL FOR AN ACT relating to grand juries; to amend section 29-1401, Reissue Revised Statutes of Nebraska, 1943; to change provisions on when a district court is required to call a grand jury and the scope of review; and to repeal the original section.

LEGISLATIVE BILL 104. Introduced by Pirsch, 10.

A BILL FOR AN ACT relating to zoning; to require notices of proposed changes in use or zoning classification for property within the zoning jurisdiction of a city of the metropolitan class as prescribed.

LEGISLATIVE BILL 108. Introduced by Pirsch, 10.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-908, Reissue Revised Statutes of Nebraska, 1943; to change the offense of interference with a firefighter to include emergency medical services providers; to define a term; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 110. Introduced by Pirsch, 10.

A BILL FOR AN ACT relating to crimes and punishments; to amend sections 28-808 and 28-809, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the sale of obscene materials to minors and the admission of minors to an obscene motion picture, show, or presentation as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 111. Introduced by Pirsch, 10.

A BILL FOR AN ACT relating to theft; to amend section 28-518, Reissue Revised Statutes of Nebraska, 1943; to provide for aggregation of amounts in determining the classification of offenses; and to repeal the original section.

LEGISLATIVE BILL 116. Introduced by Schimek, 27; Bernard-Stevens, 42; Baack, 47.

A BILL FOR AN ACT relating to schools; to amend section 79-4,140.17, Revised Statutes Supplement, 1990; to state intent; to change provisions relating to the requirements for health education in public schools; and to repeal the original section.

LEGISLATIVE BILL 119. Introduced by Smith, 33.

A BILL FOR AN ACT relating to schools; to amend section 79-4,141.01, Revised Statutes Supplement, 1990; to change provisions relating to accounting examinations; and to repeal the original section.

LEGISLATIVE BILL 120. Introduced by Will, 8.

A BILL FOR AN ACT relating to property taxation; to amend sections 77-3501, 77-3509.01 to 77-3509.03, 77-3510, 77-3512 to 77-3514, 77-3516, 77-3522, 77-3523, and 77-3529, Reissue Revised Statutes of Nebraska, 1943; to provide a homestead exemption for all homesteads; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 121. Introduced by Rogers, 41.

A BILL FOR AN ACT relating to brands; to amend section 54-134, Revised Statutes Supplement, 1990; to add Howard County to the brand inspection area; and to repeal the original section.

LEGISLATIVE BILL 125. Introduced by Elmer, 38.

A BILL FOR AN ACT relating to criminal procedure; to authorize the Supreme Court to award defense costs in certain criminal prosecutions when a statute, ordinance, rule, or regulation is found unconstitutional as prescribed.

LEGISLATIVE BILL 126. Introduced by Elmer, 38.

A BILL FOR AN ACT relating to the state highway system; to amend section 39-1315.01, Reissue Revised Statutes of Nebraska, 1943; to provide for the removal of certain roads from the state highway system; and to repeal the original section.

LEGISLATIVE BILL 129. Introduced by Wickersham, 49; Hillman, 48; Baack, 47.

A BILL FOR AN ACT relating to the University of Nebraska; to authorize the Board of Regents to develop plans for a Trailside Complex at Fort Robinson State Park; to state intent; to provide for appropriations as prescribed; and to declare an emergency.

LEGISLATIVE BILL 130. Introduced by Schimek, 27; Nelson, 35; Dierks, 40; Peterson, 21.

A BILL FOR AN ACT relating to cigarettes; to amend section 59-1502, Reissue Revised Statutes of Nebraska, 1943; to state intent; to prohibit the use of vending machines and similar devices to dispense cigarettes; to provide penalties; to harmonize provisions; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 131. Introduced by Baack, 47; Robinson, 16.

A BILL FOR AN ACT relating to schools; to amend section 79-3349, Reissue Revised Statutes of Nebraska, 1943; to provide for reimbursement of attorney's fees as prescribed; and to repeal the original section.

LEGISLATIVE BILL 132. Introduced by Baack, 47; Schellpeper, 18; Nelson, 35; Bernard-Stevens, 42; Conway, 17; Dierks, 40; Wickersham, 49; Hefner, 19; Peterson, 21; Hillman, 48.

A BILL FOR AN ACT relating to postsecondary education; to adopt the Nebraska Education Centers Act; and to declare an emergency.

LEGISLATIVE BILL 134. Introduced by Smith, 33; Ashford, 6.

A BILL FOR AN ACT relating to appropriations; to state intent; and to appropriate funds for geographic education.

LEGISLATIVE BILL 136. Introduced by Lindsay, 9; Horgan, 4.

A BILL FOR AN ACT relating to child support; to amend section 42-358.02, Reissue Revised Statutes of Nebraska, 1943; to change the rate of interest on delinquent child support payments; and to repeal the original section.

LEGISLATIVE BILL 139. Introduced by Smith, 33.

A BILL FOR AN ACT relating to state government; to provide for an official slogan for the state; to eliminate provisions relating to an official symbol and slogan; and to repeal section 90-105, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 140. Introduced by Smith, 33; Nelson, 35; Crosby, 29; Robak, 22; Chambers, 11.

A BILL FOR AN ACT relating to homestead exemptions; to amend sections 77-3512 to 77-3514, 77-3516, and 77-3517, Reissue Revised Statutes of Nebraska, 1943; to provide for the extension of certain filing deadlines as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 142A. Introduced by R. Johnson, 34.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 142, Ninety-second Legislature, First Session, 1991.

LEGISLATIVE BILL 143. Introduced by R. Johnson, 34.

A BILL FOR AN ACT relating to emergency medical services; to amend section 39-669.13, Reissue Revised Statutes of Nebraska, 1943, and section 39-6,122, Revised Statutes Supplement, 1990; to provide additional fees be assessed as court costs; to provide for the distribution of such fees; to create a fund; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 144. Introduced by Lynch, 13; Dierks, 40; Schellpeper, 18.

A BILL FOR AN ACT relating to nurse practitioner-anesthetists; to amend sections 71-1704, 71-1728, 71-1729, 71-1730, 71-1731, 71-1734, and 71-1737, Reissue Revised Statutes of Nebraska, 1943; to redefine terms; to change provisions relating to the practice of anesthesia as prescribed; to change provisions relating to certification and temporary certification; to change provisions relating to duties of nurse practitioner-anesthetists; to harmonize provisions; to provide a duty for the Revisor of Statutes; to eliminate provisions relating to the certification of certain registered nurses and the supervision of nurse practitioner-anesthetists; and to repeal the original sections, and also sections 71-1732 and 71-1733, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 145. Introduced by Wesely, 26; Chambers, 11; Schimek, 27; Schellpeper, 18; Morrissey, 1; Bernard-Stevens, 42.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Family Medical Leave Act.

LEGISLATIVE BILL 146. Introduced by Will, 8; Warner, 25; Horgan, 4.

A BILL FOR AN ACT relating to the Legislature; to amend section 50-412, Reissue Revised Statutes of Nebraska, 1943; to change the manner of selection of the Director of Research; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 149. Introduced by Hall, 7; Wehrbein, 2; Will, 8.

A BILL FOR AN ACT relating to education; to amend sections 79-1901 to 79-1904, 79-1907, 79-1908, 79-1910.01, 79-1911 to 79-1913, 79-2001 to 79-2007, 79-2009.01, and 79-3333, Reissue Revised Statutes of Nebraska, 1943, and sections 79-328 and 79-3330, Revised Statutes Supplement, 1990; to require the state to fund certain schools as prescribed; to change provisions relating to the purposes of the Nebraska School for the Deaf and the Nebraska School for the Visually Handicapped; to change provisions relating to the payment of transportation costs; to authorize the provision of clothing as prescribed; to harmonize provisions; to repeal the original sections, and also section 79-3331, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 152. Introduced by Cudaback, 36.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-611, Reissue Revised Statutes of Nebraska, 1943; to provide for waiver of the fee for collection of a bad check; and to repeal the original section.

LEGISLATIVE BILL 158. Introduced by Robak, 22.

A BILL FOR AN ACT relating to traffic-control signals; to amend section 39-6,122, Revised Statutes Supplement, 1990; to provide for the synchronization of traffic-control signals as prescribed; and to repeal the original section.

LEGISLATIVE BILL 163. Introduced by Peterson, 21.

A BILL FOR AN ACT relating to the Uniform Residential Landlord and Tenant Act; to amend section 76-1416, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to security deposits; and to repeal the original section.

LEGISLATIVE BILL 169. Introduced by Bernard-Stevens, 42; Smith, 33; Crosby, 29.

A BILL FOR AN ACT relating to social services; to amend section 43-905, Reissue Revised Statutes of Nebraska, 1943, and section 81-8,239.01, Revised Statutes Supplement, 1990; to require the Department of Social Services to provide liability and property damage insurance and the payment of liability and property damage claims to foster parents; to state intent; to create a fund; to provide duties for the Risk Manager; and to repeal the original sections.

LEGISLATIVE BILL 169A. Introduced by Bernard-Stevens, 42; Crosby, 29.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 169, Ninety-second Legislature, First Session, 1991.

LEGISLATIVE BILL 172. Introduced by Conway, 17.

A BILL FOR AN ACT relating to secured transactions; to amend section 9-203, Uniform Commercial Code; to eliminate a provision relating to a debtor's rights in property; and to repeal the original section.

LEGISLATIVE BILL 173. Introduced by Crosby, 29; Robak, 22.

A BILL FOR AN ACT relating to teachers; to amend section 79-1254.10, Reissue Revised Statutes of Nebraska, 1943; to require certain school districts to provide a period of preparation time as prescribed; and to repeal the original section.

LEGISLATIVE BILL 174. Introduced by Robak, 22; Beyer, 3; Chizek, 31; Coordsen, 32; Horgan, 4.

A BILL FOR AN ACT relating to park entry permits; to amend sections 37-1101, 37-1102, 37-1103, and 37-1112, Reissue Revised Statutes of Nebraska, 1943; to provide for the issuance of park entry permits to veterans as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 175. Introduced by Elmer, 38.

A BILL FOR AN ACT relating to highways and streets; to amend section 39-2304, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to members of the Board of Examiners for County Highway and City Street Superintendents; and to repeal the original section.

LEGISLATIVE BILL 176. Introduced by Chizek, 31; Crosby, 29.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-210, Reissue Revised Statutes of Nebraska, 1943; to authorize the Nebraska State Patrol to establish a computer network for fingerprint identification; and to repeal the original section.

LEGISLATIVE BILL 179. Introduced by Withem, 14; Chizek, 31.

A BILL FOR AN ACT relating to the University of Nebraska; to amend section 85-102.01, Revised Statutes Supplement, 1990; to change a provision relating to the composition of the university; and to repeal the original section.

LEGISLATIVE BILL 180. Introduced by Robak, 22; Coordsen, 32; Byars, 30; Conway, 17; Dierks, 40; Hartnett, 45.

A BILL FOR AN ACT relating to the Nebraska Rules of Evidence; to amend section 27-504, Revised Statutes Supplement, 1990; to redefine the term physician for purposes of the physician-patient privilege; and to repeal the original section.

LEGISLATIVE BILL 187. Introduced by Lindsay, 9; Kristensen, 37.

A BILL FOR AN ACT relating to guardians and conservators; to amend section 30-2641, Reissue Revised Statutes of Nebraska, 1943; to prohibit proceedings against sureties as prescribed; and to repeal the original section.

LEGISLATIVE BILL 189. Introduced by Chizek, 31.

A BILL FOR AN ACT relating to the Jail Standards Board; to amend sections 83-4,124, 83-4,125, and 83-4,127 to 83-4,134, Reissue Revised Statutes of Nebraska, 1943, and section 83-4,126, Revised Statutes Supplement, 1990; to change provisions relating to membership on the board; to redefine a term; to change provisions relating to standards for criminal detention facilities; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 191. Introduced by Chizek, 31; Robinson, 16; Elmer, 38; Conway, 17; Dierks, 40; Peterson, 21; Byars, 30; Schrock, 39; Beyer, 3; Coordsen, 32.

A BILL FOR AN ACT relating to crimes and offenses; to prohibit interference with sport hunting as prescribed; to define terms; to provide for enforcement; to provide penalties; to provide for revocation or suspension of licenses and permits; to provide for injunctions; and to provide for actions for damages.

LEGISLATIVE BILL 194. Introduced by Ashford, 6; Chizek, 31; Abboud, 12; Nelson, 35; Wickersham, 49.

A BILL FOR AN ACT relating to courts; to amend sections 24-517, 25-2706, and 30-2488, Reissue Revised Statutes of Nebraska, 1943; to change the jurisdictional amount in county court as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 195. Introduced by Robinson, 16; Withem, 14.

A BILL FOR AN ACT relating to technical community colleges; to provide for an appropriation for the Nebraska Indian Community College; to provide a formula; to provide duties for the board of governors of the Northeast Technical Community College Area and the Director of Administrative Services; and to declare an emergency.

LEGISLATIVE BILL 197. Introduced by Robak, 22; Byars, 30; Cudaback, 36; R. Johnson, 34; Pirsch, 10.

A BILL FOR AN ACT relating to license plates; to amend sections 60-311.03 and 60-311.04, Revised Statutes Supplement, 1990; to permit the issuance of Pearl Harbor survivor and prisoner of war license plates to unremarried surviving spouses; and to repeal the original sections.

LEGISLATIVE BILL 198. Introduced by Schmit, 23.

A BILL FOR AN ACT relating to the Department of Water Resources; to amend section 46-209, Reissue Revised Statutes of Nebraska, 1943; to authorize the requesting of assistance from peace officers; and to repeal the original section.

LEGISLATIVE BILL 201. Introduced by Smith, 33; R. Johnson, 34; Will, 8; Rogers, 41; Hartnett, 45; Cudaback, 36; Rasmussen, 20.

A BILL FOR AN ACT relating to gambling; to authorize the Governor to negotiate a tribal-state compact regulating certain gambling as prescribed; and to provide public policy regarding the compact.

LEGISLATIVE BILL 206. Introduced by Warner, 25.

A BILL FOR AN ACT relating to appropriations; to require appropriations for laws enacted which increase total inmate populations in state correctional facilities; and to provide for the use of such appropriations.

LEGISLATIVE BILL 208. Introduced by Withem, 14.

A BILL FOR AN ACT relating to schools and school districts; to amend section 79-1303, Revised Statutes Supplement, 1990; to change provisions relating to valuation of school lands and saline lands as prescribed; and to repeal the original section.

LEGISLATIVE BILL 211. Introduced by Schmit, 23.

A BILL FOR AN ACT relating to irrigation; to prohibit interference with lawful irrigation activity as prescribed; and to provide for enforcement and a penalty.

LEGISLATIVE BILL 212. Introduced by Schmit, 23.

A BILL FOR AN ACT relating to water; to amend section 46-295, Revised Statutes Supplement, 1990; to state intent; to require a study and legislative proposal concerning conjunctive use and integrated management of ground and surface water; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 212A. Introduced by Schmit, 23.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 212, Ninety-second Legislature, First Session, 1991.

LEGISLATIVE BILL 214. Introduced by Haberman, 44.

A BILL FOR AN ACT relating to postsecondary education; to define terms; to require faculty members of public postsecondary institutions to be fluent in English; to provide exceptions; and to provide powers and duties for the Nebraska Coordinating Commission for Postsecondary Education and public postsecondary institutions as prescribed.

LEGISLATIVE BILL 216. Introduced by Pirsch, 10.

A BILL FOR AN ACT relating to littering; to amend sections 28-523, 39-683, and 39-6,190, Reissue Revised Statutes of Nebraska, 1943; to provide and harmonize penalties for littering of public and private property, depositing rubbish on highways, and depositing materials on roads and ditches; and to repeal the original sections.

LEGISLATIVE BILL 217. Introduced by Pirsch, 10.

A BILL FOR AN ACT relating to the Uniform Controlled Substances Act; to amend section 28-416, Reissue Revised Statutes of Nebraska, 1943, and section 29-2262, Revised Statutes Supplement, 1990; to enhance penalties for violation of drug laws by certain persons; to define terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 222. Introduced by Bernard-Stevens, 42; Kristensen, 37.

A BILL FOR AN ACT relating to the Small Claims Court; to amend sections 25-2733 and 25-2803, Reissue Revised Statutes of Nebraska, 1943; to change and eliminate provisions relating to appeals from the Small Claims Court; to change a provision relating to the number of claims allowed to be filed by a party; and to repeal the original sections, and also section 25-2734, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 223. Introduced by Lamb, 43; Elmer, 38.

A BILL FOR AN ACT relating to educational lands; to amend section 72-240.26, Reissue Revised Statutes of Nebraska, 1943; to require the sale of educational lands; to provide for disposition of the proceeds of such sales; to provide reporting requirements; and to repeal the original section.

LEGISLATIVE BILL 226. Introduced by Nelson, 35; Pirsch, 10; Wesely, 26.

A BILL FOR AN ACT relating to physical exercise clubs; to adopt the Physical Exercise Club Act; and to provide severability.

LEGISLATIVE BILL 226A. Introduced by Nelson, 35.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 226, Ninety-second Legislature, First Session, 1991.

LEGISLATIVE BILL 228. Introduced by Kristensen, 37; Conway, 17; Chambers, 11.

A BILL FOR AN ACT relating to the Legislature; to create the position of Counsel to the Legislature; to provide for selection of the counsel; to provide powers and duties; and to provide for treatment of communications between the counsel and members and staff of the Legislature.

LEGISLATIVE BILL 229. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to labor; to provide for the registration of contractors; to define terms; to provide powers and duties for the Commissioner of Labor; and to provide a penalty.

LEGISLATIVE BILL 231. Introduced by Chizek, 31; Chambers, 11.

A BILL FOR AN ACT relating to civil rights; to amend section 20-148, Reissue Revised Statutes of Nebraska, 1943; to authorize an award of attorney's fees in certain civil actions; and to repeal the original section.

LEGISLATIVE BILL 238. Introduced by Warner, 25.

A BILL FOR AN ACT relating to fees; to amend sections 54-147, 71-1,237, 71-1,243, 71-1,257, 71-1,268, 71-1,283, 71-1,288, and 81-885.15, Reissue Revised Statutes of Nebraska, 1943, and section 45-621, Revised Statutes Supplement, 1990; to eliminate provisions requiring the deposit of a portion of certain fees in the General Fund and provisions relating to disbursement of funds; to harmonize provisions; and to repeal the original sections, and also sections 33-150 to 33-152, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 241. Introduced by Landis, 46; R. Johnson, 34; Rasmussen, 20; Cudaback, 36; Schrock, 39; Beutler, 28; Labedz, 5; Crosby, 29; Byars, 30; Kristensen, 37; Robak, 22; L. Johnson, 15; Hillman, 48; Nelson, 35; Lamb, 43; Elmer, 38; Wehrbein, 2; Pirsch, 10; Bernard-Stevens, 42; Rogers, 41; Coordsen, 32; Schellpeper, 18.

A BILL FOR AN ACT relating to capital construction; to amend sections 77-2602, 85-1,111, 85-1,112, 85-1,113, and 85-1,114, Reissue Revised Statutes of Nebraska, 1943; to change provisions for disbursement of the cigarette tax; to provide for capital construction projects by the Board of Regents of the University of Nebraska; to provide for disbursement of money in certain funds; to state intent; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 242. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to public roads; to amend sections 39-703, 39-703.01, and 46-266, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to injuring or obstructing a public road and allowing irrigation water to be on a public road as prescribed; to change penalty provisions relating to irrigation systems; and to repeal the original sections.

LEGISLATIVE BILL 245. Introduced by Withem, 14.

A BILL FOR AN ACT relating to schools and school districts; to create the Nebraska Schools Accountability Commission; to state intent; to provide for membership on the commission; to provide powers and duties; to provide a termination date; and to declare an emergency.

LEGISLATIVE BILL 245A. Introduced by Withem, 14.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 245, Ninety-second Legislature, First Session, 1991; and to declare an emergency.

LEGISLATIVE BILL 248. Introduced by Ashford, 6; Chambers, 11.

A BILL FOR AN ACT relating to aid to dependent children; to amend section 43-512.11, Reissue Revised Statutes of Nebraska, 1943, and section 43-512, Revised Statutes Supplement, 1990; to require the provision of certain services; to change a provision relating to transitional benefits; to require additional reporting; to require an appropriation; and to repeal the original sections.

LEGISLATIVE BILL 248A. Introduced by Ashford, 6.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 248, Ninety-second Legislature, First Session, 1991.

LEGISLATIVE BILL 249. Introduced by Ashford, 6; Abboud, 12.

A BILL FOR AN ACT relating to juvenile courts; to amend section 43-2,119, Reissue Revised Statutes of Nebraska, 1943; to increase the number of separate juvenile court judges in certain counties; and to repeal the original section.

LEGISLATIVE BILL 252. Introduced by Moore, 24; Robak, 22; Peterson, 21; Morrissey, 1; L. Johnson, 15; Smith, 33; Conway, 17; Elmer, 38; Schellpeper, 18; Coordsen, 32.

A BILL FOR AN ACT relating to motorcycles; to amend sections 39-6,211 to 39-6,213, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to the wearing of protective helmets as prescribed; to change provisions relating to approved protective helmets and conformance with federal standards; and to repeal the original sections.

LEGISLATIVE BILL 258. Introduced by Elmer, 38.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 39-6,127, 39-6,130, 39-6,162 to 39-6,164, 60-2013, and 60-2803, Reissue Revised Statutes of Nebraska, 1943, and section 39-6,138, Revised Statutes Supplement, 1990; to change provisions relating to lights as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 262. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to civil procedure; to amend sections 25-21,185 and 39-619, Reissue Revised Statutes of Nebraska, 1943; to define terms; to provide for the reduction of damages in civil actions for contributory negligence as prescribed; to provide for several liability; to provide for discharge of liability; to provide for the admission of evidence as prescribed; to provide for the applicability of provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 263. Introduced by Robak, 22.

A BILL FOR AN ACT relating to sentence and punishment; to amend section 47-502, Reissue Revised Statutes of Nebraska, 1943; to authorize the imposition of intermittent sentences; to provide for sentence reduction for intermittent sentences; and to repeal the original section.

LEGISLATIVE BILL 267. Introduced by Haberman, 44.

A BILL FOR AN ACT relating to the Nebraska Criminal Code; to amend section 28-1201, Reissue Revised Statutes of Nebraska, 1943, and section 28-101, Revised Statutes Supplement, 1990; to provide a penalty for selling, leasing, transferring, giving, or delivering a firearm to felons as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 268. Introduced by Haberman, 44.

A BILL FOR AN ACT relating to the Nebraska Criminal Code; to amend sections 28-1201, 28-1205, 83-1,107, and 83-1,107.01, Reissue Revised Statutes of Nebraska, 1943, and section 28-101, Revised Statutes Supplement, 1990; to change provisions relating to use of a firearm to commit a felony; to create the offense of use of deadly weapons to commit a felony; to change and provide penalties; to change provisions relating to good time; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 269. Introduced by Haberman, 44.

A BILL FOR AN ACT relating to installment sales; to amend section 45-338, Reissue Revised Statutes of Nebraska, 1943, and section 45-335, Revised Statutes Supplement, 1990; to redefine a term; to permit a nonrefundable origination fee; and to repeal the original sections.

LEGISLATIVE BILL 270. Introduced by Elmer, 38.

A BILL FOR AN ACT relating to plastic containers; to adopt the Plastic Container Coding Act; and to provide severability.

LEGISLATIVE BILL 270A. Introduced by Elmer, 38.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 270, Ninety-second Legislature, First Session, 1991.

LEGISLATIVE BILL 271. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-312, 60-528, 60-533, and 60-569, Reissue Revised Statutes of Nebraska, 1943, and section 60-302, Revised Statutes Supplement, 1990; to change provisions relating to registration of motor vehicles; to require proof of financial responsibility as required; to provide and eliminate penalties; to eliminate provisions relating to proof of financial responsibility; to harmonize provisions; to provide an operative date; and to repeal the original sections, and also section 60-570, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 272. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to the Research and Development Authority Act; to amend sections 58-405, 58-407, 58-409, and 58-437, Reissue Revised Statutes of Nebraska, 1943, and sections 58-401 and 58-413, Revised Statutes Supplement, 1990; to change provisions relating to membership on the board and meetings of and votes taken by the board; to require the filing of statements of financial interest as prescribed; to change provisions relating to powers of the authority and performance reviews as prescribed; to restrict activities of board members and employees as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 273. Introduced by Peterson, 21.

A BILL FOR AN ACT relating to carbonated soft drinks; to amend section 77-381, Reissue Revised Statutes of Nebraska, 1943; to impose a tax on the privilege of engaging in business as a manufacturer or distributor at wholesale; to provide procedures for reporting and paying the tax; to provide a penalty; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 274. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to agriculture; to create the Climate Assessment Response Committee; and to provide duties.

LEGISLATIVE BILL 275. Introduced by Wehrbein, 2; Rogers, 41.

A BILL FOR AN ACT relating to milk; to adopt the Dairy Industry Development Act; and to provide operative dates.

LEGISLATIVE BILL 275A. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 275, Ninety-second Legislature, First Session, 1991; and to provide an operative date.

LEGISLATIVE BILL 279. Introduced by Lynch, 13; Withem, 14; Conway, 17.

A BILL FOR AN ACT relating to schools; to amend section 79-445, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to the payment of nonresident tuition for certain students in special education programs as prescribed; and to repeal the original section.

LEGISLATIVE BILL 279A. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 279, Ninety-second Legislature, First Session, 1991.

LEGISLATIVE BILL 281. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to liability; to provide immunity from civil liability for retired physicians as prescribed.

LEGISLATIVE BILL 282. Introduced by Dierks, 40; Nelson, 35; Crosby, 29.

A BILL FOR AN ACT relating to dogs; to provide for the licensing of commercial operators; to provide fees and a penalty; and to provide for an inspection program.

LEGISLATIVE BILL 283. Introduced by Dierks, 40; Schellpeper, 18; Lindsay, 9; Horgan, 4; Byars, 30.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-5201, 71-5203, 71-5206, and 71-5647, Reissue Revised Statutes of Nebraska, 1943; to provide funding for certain family practice residency programs as prescribed; to provide duties for the Office of Rural Health and the Legislature; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 285. Introduced by Landis, 46.

A BILL FOR AN ACT relating to insurance; to amend section 44-320, Reissue Revised Statutes of Nebraska, 1943; to provide exceptions to the prohibition on sales to and borrowing from domestic insurance companies by directors and officers of the companies; to provide remedies for violations; and to repeal the original section.

LEGISLATIVE BILL 287. Introduced by Lindsay, 9; Byars, 30; Rasmussen, 20; Lynch, 13; Rogers, 41; Smith, 33.

A BILL FOR AN ACT relating to health care; to amend sections 71-1,132.06 and 83-1,143.04, Reissue Revised Statutes of Nebraska, 1943; to authorize home care of the sick and developmentally disabled by certain persons; to provide for training for special care personnel; to require approval of core curricula; to define terms; to eliminate a provision relating to procedures authorized to be performed by special care providers; to provide operative dates; to provide severability; to repeal the original sections, and also section 71-6502, Revised Statutes Supplement, 1990; and to declare an emergency.

LEGISLATIVE BILL 287A. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 287, Ninety-second Legislature, First Session, 1991; and to declare an emergency.

LEGISLATIVE BILL 288. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to public meetings; to amend sections 84-1410 and 84-1414, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to permissible reasons for a public body to conduct a closed session; to define a term; to change a provision relating to certain prohibited acts as prescribed; to provide and change penalties; and to repeal the original sections.

LEGISLATIVE BILL 289. Introduced by Crosby, 29; Byars, 30; Chambers, 11; Rasmussen, 20.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-1912, Reissue Revised Statutes of Nebraska, 1943; to provide for the adoption of standards which prohibit the use of corporal punishment by provider's of early childhood programs; and to repeal the original section.

LEGISLATIVE BILL 291. Introduced by Beyer, 3; Rogers, 41; Crosby, 29; Hefner, 19; L. Johnson, 15; Lamb, 43; Byars, 30; Warner, 25; Pirsch, 10; Wehrbein, 2; Peterson, 21; Schellpeper, 18.

A BILL FOR AN ACT relating to motor vehicle operator's licenses; to amend sections 39-669.15 to 39-669.17, Reissue Revised Statutes of Nebraska, 1943, and sections 39-669.07, 39-669.08, and 60-498, Revised Statutes Supplement, 1990; to state intent; to provide for the administrative revocation of licenses for drug and alcohol violations as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 293. Introduced by Schimek, 27; Beutler, 28; Hall, 7.

A BILL FOR AN ACT relating to education; to establish the Legal Services Loan Assistance Repayment Program; to state intent; to define terms; to provide powers and duties for the Nebraska Coordinating Commission for Postsecondary Education; to provide for funding; and to require a report.

LEGISLATIVE BILL 295. Introduced by Hefner, 19; Chizek, 31.

A BILL FOR AN ACT relating to athletics; to adopt the Athlete Agents Registration Act; and to provide severability.

LEGISLATIVE BILL 298. Introduced by Hall, 7; Chambers, 11.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-122, Reissue Revised Statutes of Nebraska, 1943; to provide for a death benefit as prescribed; and to repeal the original section.

LEGISLATIVE BILL 299. Introduced by Hall, 7.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 10-612, 13-1108, 14-1821, 15-318, 15-319, 15-808, 16-702, 21-17,126, 23-320.07, 23-343, 23-343.01, 23-343.15, 31-411.02, 31-447, 35-504, 35-505, 35-506, 35-507, 35-514, 35-531, 35-535, 39-1518, 44-2414, 46-541, 46-542, 46-543, 46-544, 77-103, 77-202 to 77-202.06, 77-202.24, 77-202.25, 77-381, 77-398, 77-399, 77-3,100, 77-415, 77-505, 77-506, 77-507.01, 77-508, 77-509, 77-510, 77-602, 77-604, 77-802, 77-908, 77-1202, 77-1209, 77-1209.03, 77-1238, 77-1239, 77-1239.02, 77-1240, 77-1240.01, 77-1242.02, 77-1247, 77-1250, 77-1250.03, 77-1250.04, 77-1301, 77-1318, 77-1342, 77-1503.01, 77-1504, 77-1506.01, 77-1506.02, 77-1507, 77-1613, 77-1613.02, 77-1616, 77-27,139, 77-3437, 77-4105, and 79-481, Reissue Revised Statutes of Nebraska, 1943; to exempt personal property other than certain vehicles from taxation; to eliminate provisions relating to taxation of personal property other than vehicles, to the applicability of prior legislation, to certain exemptions from taxation, to the treatment of improvements, and to the distribution of a former tax on intangible property; to harmonize provisions; to provide duties for the Tax Commissioner and the Revisor of Statutes; to provide operative dates; and to repeal the original sections, and also sections 15-320, 77-103.01, 77-202.46, 77-202.47, 77-205, 77-206, 77-1201, 77-1202.01, 77-1209.04, 77-1209.05, 77-1210, 77-1211, 77-1212, 77-1214, 77-1215, 77-1216, 77-1229, 77-1229.01, 77-1233, 77-1233.02, 77-1233.03, 77-1241.01, 77-1244, 77-1245, 77-1246, 77-1248, 77-1249, 77-1249.01, and 77-27,140, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 301. Introduced by Hall, 7.

A BILL FOR AN ACT relating to privately owned utilities; to adopt the Appliance Free Trade Act.

LEGISLATIVE BILL 302. Introduced by Hall, 7; Lindsay, 9; Ashford, 6; Pirsch, 10; Conway, 17; Abboud, 12.

A BILL FOR AN ACT relating to storage; to adopt the Self-Service Storage Act.

LEGISLATIVE BILL 306. Introduced by Beutler, 28; Lindsay, 9.

A BILL FOR AN ACT relating to water; to amend sections 46-202, 46-288, 46-2,107 to 46-2,110, and 46-2,115, Reissue Revised Statutes of Nebraska, 1943; to state intent regarding surface water, ground water, and their interrelationship; to declare certain ground water to be subject to appropriation; to redefine terms; to authorize instream appropriations for public water supply; to change factors for approval of applications for instream appropriations; to provide for priority dates; to eliminate provisions on review and modification of instream appropriations; to harmonize provisions; and to repeal the original sections, and also section 46-2,117, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 307. Introduced by Will, 8.

A BILL FOR AN ACT relating to utility service; to amend sections 14-1015, 14-1030, and 14-1103.02, Reissue Revised Statutes of Nebraska, 1943; to change the powers of metropolitan water districts and utilities districts as prescribed; to authorize certain natural gas users to negotiate and contract directly with utilities for service; to eliminate a provision authorizing the granting of a franchise; to eliminate a provision relating to regulation of water service; to harmonize provisions; and to repeal the original sections, and also sections 14-1009 and 14-1011, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 308. Introduced by Lynch, 13; Rasmussen, 20; Crosby, 29.

A BILL FOR AN ACT relating to public health and welfare; to define terms; to create a registry of persons with brain or head injury; to provide duties for the Department of Health, other state agencies, health care facilities, and medical personnel; to provide for rules and regulations; to provide for immunity as prescribed; and to provide a termination date.

LEGISLATIVE BILL 310. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to natural gas pipeline safety; to amend section 81-546, Reissue Revised Statutes of Nebraska, 1943; to increase the maximum civil penalty for certain violations; and to repeal the original section.

LEGISLATIVE BILL 312. Introduced by Schmit, 23.

A BILL FOR AN ACT relating to animals; to adopt the Farm Animal and Research Facilities Protection Act.

LEGISLATIVE BILL 314. Introduced by Hartnett, 45; Will, 8.

A BILL FOR AN ACT relating to bicycles; to amend sections 39-669.26, 39-690, and 39-691, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to bicycles on roadways; to exempt bicycle violations from the point system; to change provisions relating to brakes as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 315. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-1917, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the taking of certain depositions as prescribed; and to repeal the original section.

LEGISLATIVE BILL 319. Introduced by Smith, 33.

A BILL FOR AN ACT relating to motorcycles; to amend section 60-336, Reissue Revised Statutes of Nebraska, 1943, and sections 39-2215 and 60-4,115, Revised Statutes Supplement, 1990; to change registration fees; to change the distribution of license and registration fees; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 321. Introduced by Lynch, 13; Hartnett, 45; Hall, 7.

A BILL FOR AN ACT relating to the State Electrical Act; to amend sections 81-2102 and 81-2113, Reissue Revised Statutes of Nebraska, 1943; to redefine a term; to require supervision of apprentice electricians as prescribed; to change fees for registration; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 322. Introduced by Hall, 7.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-611 and 77-802, Reissue Revised Statutes of Nebraska, 1943; to require the Tax Commissioner to supply county assessors with a list of certain properties used in valuations and assessments by the Tax Commissioner; and to repeal the original sections.

LEGISLATIVE BILL 323. Introduced by Hall, 7.

A BILL FOR AN ACT relating to schools; to amend sections 79-1903 and 79-2003, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to persons attending the Nebraska School for the Deaf and the Nebraska School for the Visually Handicapped; to provide duties for the State Department of Education; and to repeal the original sections.

LEGISLATIVE BILL 326. Introduced by Schimek, 27; Smith, 33; Nelson, 35; Kristensen, 37; Hall, 7.

A BILL FOR AN ACT relating to charitable solicitation; to adopt the Charitable Solicitation Registration Act; to provide severability; to eliminate provisions relating to solicitation of funds; and to repeal sections 28-1440 to 28-1449, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 327. Introduced by Chambers, 11; Baack, 47; Warner, 25; Rasmussen, 20; Horgan, 4; Landis, 46; Smith, 33; Hall, 7; Lindsay, 9; Lynch, 13; Dierks, 40; Schellpeper, 18; Withem, 14; Will, 8; Ashford, 6; Nelson, 35; Wesely, 26; Schimek, 27; Crosby, 29; Rogers, 41; Schmit, 23; Robak, 22; Bernard-Stevens, 42; Conway, 17.

A BILL FOR AN ACT relating to crimes and punishments; to amend sections 25-1140.09, 28-104, 28-105, 28-201, 28-202, 28-303, 29-1822, 29-2005, 29-2006, 29-2407, 29-2801, 29-3205, and 55-480, Reissue Revised Statutes of Nebraska, 1943, and sections 23-3408 and 29-2020, Revised Statutes Supplement, 1990; to eliminate the death penalty; to change a penalty to provide for life imprisonment without possibility of parole; to provide factors for consideration in imposing certain sentences; to require a change of penalty for death penalty sentences; to eliminate provisions concerning the imposition of the death penalty on persons under eighteen, special procedures for cases involving the imposition of the death penalty, and stay of a death penalty sentence pending a pardon request; to harmonize provisions; to provide severability; and to repeal the original sections, and also sections 28-105.01, 29-2519 to 29-2525, 29-2527, 29-2528, 29-2532 to 29-2546, 29-2811, and 83-1,132, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 328. Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-125, Reissue Revised Statutes of Nebraska, 1943; to authorize a penalty and an award of attorney's fees in actions to collect medical payments; and to repeal the original section.

LEGISLATIVE BILL 329. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to the Attorney General; to amend sections 32-421.01 and 32-535, Reissue Revised Statutes of Nebraska, 1943; to provide for the nonpartisan election of the Attorney General; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 332. Introduced by Hall, 7; Schellpeper, 18; Labedz, 5; Robak, 22; Schmit, 23; Rogers, 41; Dierks, 40; Bernard-Stevens, 42; Will, 8; Lindsay, 9; Lynch, 13.

A BILL FOR AN ACT relating to income tax; to amend section 77-2716.01, Reissue Revised Statutes of Nebraska, 1943; to provide a deduction from income for certain educational expenses; to define terms; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 336. Introduced by Transportation Committee: Kristensen, 37, Chairperson; Beyer, 3; Byars, 30; Horgan, 4; Peterson, 21; Pirsch, 10; Robak, 22; Wickersham, 49; and Cudaback, 36.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 39-687 and 60-1403.01, Reissue Revised Statutes of Nebraska, 1943, and sections 39-669.27, 39-6,106.01, 60-462, 60-480, 60-491, 60-4,118, 60-4,124, 60-4,125, and 60-4,126, Revised Statutes Supplement, 1990; to change provisions relating to the minimum age for obtaining a motor vehicle operator's license; to provide an exception; to require a driver's education and training course for certain license holders as prescribed; to provide for revocation as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 336A. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 336, Ninety-second Legislature, First Session, 1991.

LEGISLATIVE BILL 338. Introduced by Natural Resources Committee: R. Johnson, 34, Chairperson; Beutler, 28; Elmer, 38; Hartnett, 45; Horgan, 4; Lamb, 43; Morrissey, 1; Schmit, 23.

A BILL FOR AN ACT relating to ground water quality; to amend section 81-1532, Reissue Revised Statutes of Nebraska, 1943; to state findings; to create a fund; to provide powers and duties relating to water sampling and to enhancement and maintenance of water quality; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 339. Introduced by Natural Resources Committee: R. Johnson, 34, Chairperson; Beutler, 28; Elmer, 38; Hartnett, 45; Horgan, 4; Morrissey, 1; Schmit, 23.

A BILL FOR AN ACT relating to game and parks; to permit certain agreements between the Game and Parks Commission and other agencies as prescribed.

LEGISLATIVE BILL 342. Introduced by Natural Resources Committee: R. Johnson, 34, Chairperson; Beutler, 28; Elmer, 38; Hartnett, 45; Horgan, 4; Lamb, 43; Morrissey, 1.

A BILL FOR AN ACT relating to the State Boat Act; to amend sections 37-1238, 37-1241, and 37-1259, Reissue Revised Statutes of Nebraska, 1943, and section 37-1274, Revised Statutes Supplement, 1990; to change a citation to a federal act; to provide exceptions to a floatation device requirement as prescribed; to change provisions relating to times during which certain water activities are permitted as prescribed; to prohibit use of certain lights on vessels as prescribed; to require vessels to stop when signaled by authorized persons; to prohibit operation of a vessel to avoid arrest; to provide penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 345. Introduced by Smith, 33.

A BILL FOR AN ACT relating to bingo and other gambling; to amend sections 9-235, 9-264, 9-330, 9-339, 9-350, 9-354, 9-401, 9-418, 9-419, 9-420, 9-429, 9-436, 9-509, 9-604, and 9-701, Reissue Revised Statutes of Nebraska, 1943, and sections 9-1,101, 9-1,104, 9-1,105, 9-201, 9-207.01, 9-211, 9-226, 9-227, 9-228, 9-233, 9-233.01, 9-235.02, 9-235.03, 9-239, 9-244, 9-247, 9-253, 9-258, 9-261, 9-266, 9-306.01, 9-309, 9-322, 9-323, 9-324, 9-328, 9-329, 9-329.02, 9-332, 9-340.02, 9-344, 9-345.03, 9-356, 9-421, 9-601, 9-606.01, 9-620, 9-623, 9-630, 9-631, 9-632, 9-639, 9-640, 9-642, 9-646, 9-649, 9-650, and 9-653, Revised Statutes Supplement, 1990; to change provisions relating to the disposition of fees, fingerprinting requirements, and criminal history record check; to redefine terms; to provide for and change powers and duties of the Department of Revenue; to provide for administrative fines; to provide for personal service for certain notices; to change provisions relating to certain proceedings; to require license and permit renewal applications to be submitted by a certain date; to eliminate provisions relating to bingo occasions; to change provisions relating to the conduct of bingo; to provide for the confidentiality of personal history reports; to provide for the delivery of pickle card units and access to pickle card dispensing devices; to change provisions relating to the conduct of a county or city lottery; to change provisions relating to gift enterprises; to harmonize provisions; to eliminate provisions establishing a Gaming Commission; and to repeal the original sections, and also section 9-1,102, Revised Statutes Supplement, 1990.

LEGISLATIVE BILL 346. Introduced by Hall, 7; Conway, 17; Haberman, 44; Lindsay, 9; Schmit, 23.

A BILL FOR AN ACT relating to insurance; to require records on insurance companies, brokers, and agents as prescribed; to provide access to such records; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 346A. Introduced by Hall, 7.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 346, Ninety-second Legislature, First Session, 1991.

LEGISLATIVE BILL 347. Introduced by R. Johnson, 34.

A BILL FOR AN ACT relating to guardian ad litems; to provide immunity from civil or criminal liability as prescribed.

LEGISLATIVE BILL 349. Introduced by R. Johnson, 34.

A BILL FOR AN ACT relating to economic poisons; to amend sections 2-2601, 2-2604, 2-2610, 2-2613, 2-2614, 2-2616 to 2-2620, and 81-2,162.04, Reissue Revised Statutes of Nebraska, 1943; to define and redefine terms; to provide powers and duties for the Director of Agriculture; to change provisions relating to private and commercial applicators; to require records; to provide for the denial, suspension, and revocation of certificates; to change a penalty; to provide for rules and regulations; to prohibit certain uses of pesticides; to provide access to premises; to provide enforcement procedures; to eliminate a penalty; to harmonize provisions; and to repeal the original sections, and also section 2-2621, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 351. Introduced by Moore, 24.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-807, Reissue Revised Statutes of Nebraska, 1943, and section 28-101, Revised Statutes Supplement, 1990; to limit access of certain materials by minors; to provide exceptions; to provide a penalty; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 352. Introduced by Moore, 24.

A BILL FOR AN ACT relating to horseracing; to amend sections 2-1204, 2-1205, 2-1206, 2-1208, 2-1211, and 2-1223, Reissue Revised Statutes of Nebraska, 1943; to authorize certain persons to apply for licenses to conduct horseraces; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 353. Introduced by Beyer, 3.

A BILL FOR AN ACT relating to private investigators; to amend sections 9-221 and 11-201, Reissue Revised Statutes of Nebraska, 1943; to adopt the Private Investigation Act; to harmonize provisions; to provide an operative date; to provide severability; to eliminate provisions relating to private detectives; and to repeal the original sections, and also sections 71-3201 to 71-3213, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 360. Introduced by Business and Labor Committee: Coordsen, 32, Chairperson; Chambers, 11; Elmer, 38; Hefner, 19; Morrissey, 1; Schellpeper, 18.

A BILL FOR AN ACT relating to workers' compensation; to amend sections 48-125, 48-155, 48-156, 48-170, 48-178, 48-182, and 48-185, Reissue Revised Statutes of Nebraska, 1943, and section 48-1,110, Revised Statutes Supplement, 1990; to eliminate rehearings; to harmonize provisions; and to repeal the original sections, and also section 48-179, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 365. Introduced by Rogers, 41.

A BILL FOR AN ACT relating to life insurance; to require the payment of interest on proceeds from a policy as prescribed; and to declare an emergency.

LEGISLATIVE BILL 366. Introduced by Rogers, 41.

A BILL FOR AN ACT relating to grain; to amend sections 88-535, 88-544, and 88-549, Reissue Revised Statutes of Nebraska, 1943, and section 88-547, Revised Statutes Supplement, 1990; to change provisions relating to warehouses with regard to scale tickets, termination of storage, closure, and storage rates as prescribed; to create a fund; and to repeal the original sections.

LEGISLATIVE BILL 366A. Introduced by Rogers, 41.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 366, Ninety-second Legislature, First Session, 1991; and to reduce appropriations.

LEGISLATIVE BILL 369. Introduced by R. Johnson, 34.

A BILL FOR AN ACT relating to zoning; to amend sections 14-402, 15-902, 19-902, 23-114, and 23-174.01, Reissue Revised Statutes of Nebraska, 1943; to prohibit certain zoning ordinances, resolutions, or regulations limiting the location of manufactured homes; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 370. Introduced by Chizek, 31.

A BILL FOR AN ACT relating to collective bargaining; to amend section 48-816, Reissue Revised Statutes of Nebraska, 1943; to require certain classes of school districts to recognize certain bargaining units as prescribed; and to repeal the original section.

LEGISLATIVE BILL 371. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-224, Reissue Revised Statutes of Nebraska, 1943; to eliminate a provision relating to the commencement and limitation of a product liability action; and to repeal the original section.

LEGISLATIVE BILL 373. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to child custody; to amend sections 42-364 and 43-1225, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to custody determinations; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 375. Introduced by Lindsay, 9; Nelson, 35; Chizek, 31.

A BILL FOR AN ACT relating to husband and wife; to amend sections 42-364, 42-364.15, and 42-369, Reissue Revised Statutes of Nebraska, 1943, and section 42-347, Revised Statutes Supplement, 1990; to change provisions relating to child custody and visitation; to state findings and policy; to provide for inclusion of certain items in decrees and orders relating to visitation; to provide for access to certain records; to provide for certain decisionmaking authority; to change provisions relating to petitions for visitation; to provide for a civil action; to change and add provisions relating to enforcement of decrees and orders relating to visitation; to add duties for custodial parents; to provide a penalty; to provide a duty for the Revisor of Statutes; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 377. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to the Nebraska State Patrol; to amend section 81-2002, Reissue Revised Statutes of Nebraska, 1943; to require payment of overtime compensation to sworn employees as prescribed; and to repeal the original section.

LEGISLATIVE BILL 378. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to employment; to define terms; to provide duties for employers of non-English-speaking employees; to provide powers and duties for the Commissioner of Labor; and to provide penalties.

LEGISLATIVE BILL 379. Introduced by Morrissey, 1.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-4,122, Revised Statutes Supplement, 1990; to require proof of financial responsibility as prescribed; and to repeal the original section.

LEGISLATIVE BILL 380. Introduced by Morrissey, 1.

A BILL FOR AN ACT relating to labor; to amend section 48-1125, Reissue Revised Statutes of Nebraska, 1943; to provide that personnel records are confidential; to make it an unlawful employment practice to withhold access to such records; to provide procedures for correcting or changing information in such records; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 383. Introduced by Morrissey, 1.

A BILL FOR AN ACT relating to railroads; to amend sections 39-1812, 39-1813, 74-608, 74-1311, and 75-412, Reissue Revised Statutes of Nebraska, 1943; to provide for the removal of vegetation or debris at or near public grade railroad crossings;

to provide a duty for the Public Service Commission; to provide immunity from civil liability as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 384. Introduced by Conway, 17; Baack, 47; Schmit, 23; Hefner, 19; Hall, 7.

A BILL FOR AN ACT relating to the Nebraska Accountability and Disclosure Commission; to amend sections 49-1447, 49-1449, 49-1450, 49-1451, 49-1462, 49-1484, 49-14,123, and 49-14,133, Reissue Revised Statutes of Nebraska, 1943, and sections 49-1461, 49-14,118, and 49-14,140, Revised Statutes Supplement, 1990; to eliminate enforcement duties of the commission as prescribed; to eliminate late filing fees; to harmonize provisions; and to repeal the original sections, and also sections 49-1446.03, 49-1463, 49-1463.01, and 49-14,124 to 49-14,126, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 386. Introduced by Health and Human Services Committee: Wesely, 26, Chairperson; Beyer, 3; Byars, 30; Cudaback, 36; Dierks, 40; Rasmussen, 20; Schellpeper, 18.

A BILL FOR AN ACT relating to home health care; to amend sections 71-2017.01, 71-6601, 71-6602, 71-6603, 71-6605, 71-6607, and 71-6612, Reissue Revised Statutes of Nebraska, 1943; to authorize certain care by home health agencies; to restate intent; to redefine terms; to change provisions relating to qualifications, authorized activities, and supervision of home health aides; to eliminate provisions relating to training of home health aides; to harmonize provisions; and to repeal the original sections, and also sections 71-6604, 71-6608, 71-6610, 71-6611, and 71-6613, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 387. Introduced by Health and Human Services Committee: Wesely, 26, Chairperson; Beyer, 3; Byars, 30; Cudaback, 36; Dierks, 40; Rasmussen, 20; Schellpeper, 18.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 44-2851, 71-101, 71-108, 71-147.02, 71-148, 71-150, 71-154, 71-155, 71-161.02, 71-161.03, 71-161.07, 71-168, 71-171, 71-171.01, 71-1,132.29, 71-1,194, 71-1,195.03, 71-3,171, 71-2803.01, 71-3711, 71-4708, 71-4712, 71-6054, and 71-6111, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to complaints against physicians and surgeons; to provide for complaints against health professionals; to provide for investigations, reports, and disciplinary actions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 387A. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 387, Ninety-second Legislature, First Session, 1991.

LEGISLATIVE BILL 388. Introduced by Health and Human Services Committee: Wesely, 26, Chairperson; Beyer, 3; Byars, 30; Cudaback, 36; Dierks, 40; Rasmussen, 20; Schellpeper, 18.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Community Public Health Services Act.

LEGISLATIVE BILL 389. Introduced by Byars, 30; Conway, 17; Schmit, 23.

A BILL FOR AN ACT relating to schools; to provide for the payment of grade school or high school tuition for children residing on property owned by the University of Nebraska.

LEGISLATIVE BILL 391. Introduced by Byars, 30; L. Johnson, 15.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Personal Property Tax Reimbursement Fund.

LEGISLATIVE BILL 392. Introduced by Byars, 30.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-2209, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to court records; and to repeal the original section.

LEGISLATIVE BILL 394. Introduced by Rogers, 41; Wesely, 26.

A BILL FOR AN ACT relating to health insurance pools; to amend section 44-4228, Revised Statutes Supplement, 1990; to waive an exclusion from coverage for recipients of medical assistance for medically handicapped children; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 395. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to South African investments; to amend sections 72-1271 and 72-1273 to 72-1276, Reissue Revised Statutes of Nebraska, 1943; to define terms; to change provisions relating to the investment of state funds in banks and companies doing business with and in South Africa; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 396. Introduced by Ashford, 6; Crosby, 29; Robak, 22.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 43-801, Reissue Revised Statutes of Nebraska, 1943, and section 28-101, Revised Statutes Supplement, 1990; to prohibit institutional vandalism and ethnic intimidation; to provide penalties; to authorize a civil action for violations of such offenses; to require the Nebraska State Patrol to maintain information on crimes motivated by bigotry and bias; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 397. Introduced by Beyer, 3.

A BILL FOR AN ACT relating to inheritance tax; to amend section 77-2004, Reissue Revised Statutes of Nebraska, 1943; to change the value of property exempt from ten thousand to one hundred thousand for immediate relatives; and to repeal the original section.

LEGISLATIVE BILL 398. Introduced by Schellpeper, 18: Kristensen, 37.

A BILL FOR AN ACT relating to county agricultural societies; to amend section 2-203.06, Revised Statutes Supplement, 1990; to provide for such societies to comply with the law regarding open meetings; to provide that the budget shall be subject to annual review and audit as prescribed; and to limit the tax levy for capital construction and other work as prescribed; and to repeal the original section.

LEGISLATIVE BILL 401. Introduced by Crosby, 29; Rasmussen, 20; Dierks, 40; Landis, 46; Hall, 7; Will, 8; Robak, 22; Schellpeper, 18; Byars, 30; Conway, 17.

A BILL FOR AN ACT relating to child abuse and neglect; to amend sections 43-1901, 43-1902, 43-1904, and 43-1906, Reissue Revised Statutes of Nebraska, 1943; to state intent; to define terms; to authorize appointment of multidisciplinary child protection teams; to provide powers and duties; to provide immunity; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 405. Introduced by Conway, 17; Bernard-Stevens, 42; Byars, 30; Hall, 7.

A BILL FOR AN ACT relating to power of attorney; to define terms; to provide for a durable power of attorney for certain medical treatment decisions; to provide powers and duties for patient advocates; to provide for revocation of the durable power of attorney; to provide for liability; to provide restrictions for certain life and health care insurance providers; to provide for the validity of certain designations; and to provide an exception for spiritual healing.

LEGISLATIVE BILL 406. Introduced by Lamb, 43; Smith, 33; R. Johnson, 34; Morrissey, 1; Schellpeper, 18; Coordsen, 32; Hartnett, 45.

A BILL FOR AN ACT relating to solid waste; to amend sections 81-1502, 81-1504, and 81-1532, Reissue Revised Statutes of Nebraska, 1943; to define terms; to provide for issuance of permits to solid waste importers, transfer stations, and disposal facilities; to provide duties for such permittees; to provide requirements for transportation units; to provide powers and duties for the Department of Environmental Control and the Environmental Control Council; to provide a penalty; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 406A. Introduced by Lamb, 43.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 406, Ninety-second Legislature, First Session, 1991.

LEGISLATIVE BILL 407. Introduced by Will, 8.

A BILL FOR AN ACT relating to school employees; to amend section 79-12,107, Reissue Revised Statutes of Nebraska, 1943; to provide for judicial review of school board decisions relating to certificated employees; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 411. Introduced by Hefner, 19.

A BILL FOR AN ACT relating to labor; to amend section 48-649, Reissue Revised Statutes of Nebraska, 1943; to change provisions for the computation of the employer's contribution rate as prescribed; and to repeal the original section.

LEGISLATIVE BILL 412. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Critical Incident Stress Debriefing Act.

LEGISLATIVE BILL 414. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to mental health; to adopt the Rehabilitation and Support Mental Health Services Incentive Act.

LEGISLATIVE BILL 415. Introduced by Peterson, 21.

A BILL FOR AN ACT relating to cities of the first class; to eliminate a provision relating to the publication of city financial statements; and to repeal section 16-722, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 416. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to mental health; to amend section 83-380.01, Reissue Revised Statutes of Nebraska, 1943; to authorize the Department of Public Institutions to provide necessary prescription medications for indigent persons receiving mental health treatment; and to repeal to the original section.

LEGISLATIVE BILL 417. Introduced by Wesely, 26; Byars, 30; Lynch, 13.

A BILL FOR AN ACT relating to appropriations; to state intent to increase payments to certain caregivers; and to appropriate funds.

LEGISLATIVE BILL 418. Introduced by Schimek, 27; Smith, 33.

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend section 43-285, Revised Statutes Supplement, 1990; to provide for a written independent living plan for certain juveniles as prescribed; and to repeal the original section.

LEGISLATIVE BILL 421. Introduced by Wesely, 26; Dierks, 40; Byars, 30.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-1,132.05, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the definition of licensed practical nurse; and to repeal the original section.

LEGISLATIVE BILL 423. Introduced by Wesely, 26; Nelson, 35.

A BILL FOR AN ACT relating to medicaid; to amend section 68-1026, Reissue Revised Statutes of Nebraska. 1943; to provide for drug-related and alcohol-related treatment and services as prescribed; to harmonize a provision; and to repeal the original section.

LEGISLATIVE BILL 424. Introduced by Wesely, 26; Conway, 17.

A BILL FOR AN ACT relating to elections; to amend sections 32-705 and 32-1403, Revised Statutes Supplement, 1990; to require badges for paid petition circulators as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 426. Introduced by Wesely, 26; Dierks, 40.

A BILL FOR AN ACT relating to the University of Nebraska; to amend section 85-107, Reissue Revised Statutes of Nebraska, 1943, and section 85-122, Revised Statutes Supplement, 1990; to authorize a College of Osteopathic Medicine and Surgery as a cooperative venture; to create a fund; to provide powers for the Board of Regents; and to repeal the original sections.

LEGISLATIVE BILL 428. Introduced by Kristensen, 37; Lindsay, 9; Rasmussen, 20.

A BILL FOR AN ACT relating to health care services; to adopt the Patient Protection In Utilization Review Act.

LEGISLATIVE BILL 431. Introduced by Wesely, 26; Schellpeper, 18; Smith, 33.

A BILL FOR AN ACT relating to public health and welfare; to amend section 79-444.01, Reissue Revised Statutes of Nebraska, 1943; to adopt the Childhood Vaccine Act; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 434. Introduced by Chizek, 31.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-2002, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to joinder of offenses and defendants as prescribed; and to repeal the original section.

LEGISLATIVE BILL 435. Introduced by Chizek, 31.

A BILL FOR AN ACT relating to courts; to amend section 29-1901, Revised Statutes Supplement, 1990; to change provisions relating to payment of certain witness fees and mileage as prescribed; and to repeal the original section.

LEGISLATIVE BILL 436. Introduced by Chizek, 31.

A BILL FOR AN ACT relating to the Probation Supervision Cash Fund; to amend section 29-2259.01, Revised Statutes Supplement, 1990; to change a provision relating to the use of the fund; and to repeal the original section.

LEGISLATIVE BILL 437. Introduced by Chizek, 31.

A BILL FOR AN ACT relating to courts; to amend section 24-515, Reissue Revised Statutes of Nebraska, 1943, and section 29-2259, Revised Statutes Supplement, 1990; to provide for payment of data processing and word processing hardware and software expenses by the Supreme Court as prescribed; to eliminate a requirement that the Supreme Court provide security personnel; to authorize electronic research capabilities for judges of the district court and judges of the county court as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 438. Introduced by Chizek, 31.

A BILL FOR AN ACT relating to crimes and punishments; to amend sections 28-929 to 28-931, Reissue Revised Statutes of Nebraska, 1943; to change provisions and penalties relating to the crime of assault on an officer; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 440. Introduced by Chizek, 31.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-908, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to penalties when a person fails to appear after being released under bail, recognizance, or a conditional release; and to repeal the original section.

LEGISLATIVE BILL 441. Introduced by Chizek, 31.

A BILL FOR AN ACT relating to insurance; to adopt the Health Care Fraudulent Claims Act; and to provide severability.

LEGISLATIVE BILL 442. Introduced by Chizek, 31.

A BILL FOR AN ACT relating to the Nebraska Criminal Code; to amend section 28-101, Revised Statutes Supplement, 1990; to create the offense of disarming a peace officer; to provide a penalty; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 443. Introduced by Chizek, 31.

A BILL FOR AN ACT relating to search warrants; to amend sections 29-814.03 and 29-814.05, Reissue Revised Statutes of Nebraska, 1943; to change procedures for issuance of a warrant by telephone; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 445. Introduced by Wesely, 26; Kristensen, 37; Rasmussen, 20.

A BILL FOR AN ACT relating to children with special health care needs; to amend section 71-2204, Reissue Revised Statutes of Nebraska, 1943; to state intent; to define terms; to require case management services as prescribed; to provide for the use of certain block grant funds; and to repeal the original section.

LEGISLATIVE BILL 446. Introduced by Schrock, 39; Coordsen, 32; Smith, 33.

A BILL FOR AN ACT relating to reformulated gasoline; to amend section 66-1225, Reissue Revised Statutes of Nebraska, 1943; to change requirements for sale of reformulated gasoline; and to repeal the original section.

LEGISLATIVE BILL 447. Introduced by Bernard-Stevens, 42.

A BILL FOR AN ACT relating to juveniles; to amend sections 43-286, 49-506, 49-617, 81-101, 81-102, 81-1826, 83-171, 83-472, 83-473, 83-4,100, 83-4,103, 83-905, 83-906, and 83-922, Reissue Revised Statutes of Nebraska, 1943, and section 83-911.01, Revised Statutes Supplement, 1990; to create the Department of Juvenile Justice; to provide powers and duties; to eliminate the Division of Juvenile Services of the Department of Correctional Services; to harmonize provisions; to provide an operative date; and to repeal the original sections, and also sections 83-925 to 83-930, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 448. Introduced by Pirsch, 10.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-21,190, Reissue Revised Statutes of Nebraska, 1943; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 451. Introduced by Pirsch, 10.

A BILL FOR AN ACT relating to marijuana; to amend sections 28-416, 28-438, 29-431, 29-433, and 29-434, Reissue Revised Statutes of Nebraska, 1943, and section 28-101, Revised Statutes Supplement, 1990; to change penalty provisions relating to possession; to harmonize provisions; to transfer sections; and to repeal the original sections.

LEGISLATIVE BILL 452. Introduced by Business and Labor Committee: Coordsen, 32, Chairperson; Chambers, 11; Elmer, 38; Hefner, 19; Morrissey, 1; Schellpeper, 18; Schimek, 27.

A BILL FOR AN ACT relating to the Farm Labor Contractors Act; to amend section 48-1703, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to persons excluded from the act; and to repeal the original section.

LEGISLATIVE BILL 453. Introduced by Smith, 33; Elmer, 38.

A BILL FOR AN ACT relating to political subdivisions; to provide for entry upon property as prescribed; and to provide for damages.

LEGISLATIVE BILL 459. Introduced by Chizek, 31; Pirsch, 10; Nelson, 35; Moore, 24; Elmer, 38; Hillman, 48.

A BILL FOR AN ACT relating to controlled substances; to amend sections 28-431, 28-432, 28-433, 28-438, 28-441, 28-442, 28-445, 28-1439.02 to 28-1439.05, and 71-1,147.09, Reissue Revised Statutes of Nebraska, 1943, and sections 28-101, 28-404, 28-1439.01, and 81-2004.05, Revised Statutes Supplement, 1990; to authorize the seizure of certain property without a warrant; to provide for the forfeiture and sale of such property; to provide procedures; to provide for disposition of the proceeds; to change provisions relating to membership on the County Drug Law Enforcement Fund Board; to transfer certain sections; to eliminate provisions relating to proceedings, rules, and orders prior to January 1, 1979; to harmonize provisions; to provide severability; and to repeal the original sections, and also sections 28-435 and 28-436, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 460. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704, Reissue Revised Statutes of Nebraska, 1943; to exempt certain agricultural-related items from sales and use tax if purchased by nonresidents; to provide a limitation; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 461. Introduced by Transportation Committee: Kristensen, 37, Chairperson; Beyer, 3; Byars, 30; Horgan, 4; Peterson, 21; Pirsch, 10; Robak, 22; Wickersham, 49.

A BILL FOR AN ACT relating to motor carriers; to amend sections 75-363 and 75-364, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to exemptions from federal Motor Carrier Safety Regulations and federal Hazardous Material Regulations as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 463. Introduced by Wesely, 26; Landis, 46.

A BILL FOR AN ACT relating to economic development; to adopt the Community Economic Development Partnership Act.

LEGISLATIVE BILL 464. Introduced by Conway, 17; Bernard-Stevens, 42.

A BILL FOR AN ACT relating to schools; to amend sections 79-402 and 79-426.02, Revised Statutes Supplement, 1990; to change provisions relating to the creation or reorganization of school districts as prescribed; to provide exceptions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 465. Introduced by Landis, 46; Wesely, 26.

A BILL FOR AN ACT relating to state personnel; to amend sections 81-8,245, 81-1318.01, 81-1348, and 81-1350, Reissue Revised Statutes of Nebraska, 1943; to adopt the State Government Effectiveness Act; to harmonize provisions; to increase the membership of and to change provisions relating to the Suggestion Award Board as prescribed; to change the amount of the award granted under the suggestion system as prescribed; to provide for a report as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 465A. Introduced by Landis, 46.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 465, Ninety-second Legislature, First Session, 1991.

LEGISLATIVE BILL 466. Introduced by Wesely, 26; Schimek, 27; Landis, 46.

A BILL FOR AN ACT relating to counties; to amend sections 5-108 and 23-151, Revised Statutes Supplement, 1990; to change provisions relating to the nomination and election of members of governing bodies in certain counties as prescribed; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 467. Introduced by Coordsen, 32; Chambers, 11; Morrissey, 1.

A BILL FOR AN ACT relating to workers' compensation; to amend sections 48-121 and 48-128, Reissue Revised Statutes of Nebraska, 1943; to change the compensation schedule; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 470. Introduced by Schmit, 23.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-602, Reissue Revised Statutes of Nebraska, 1943, and sections 8-157 and 8-1515, Revised Statutes Supplement, 1990; to change provisions relating to the establishment of detached auxiliary offices; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 473. Introduced by Peterson, 21; Will, 8; Labedz, 5.

A BILL FOR AN ACT relating to the State Electrical Act; to amend section 81-2101, Reissue Revised Statutes of Nebraska, 1943, and section 81-2104, Revised Statutes Supplement, 1990; to require continuing education for electricians; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 474. Introduced by Nebraska Retirement Systems Committee: Nelson, 35, Chairperson; Abboud, 12; Crosby, 29; Elmer, 38; Moore, 24; Schellpeper, 18.

A BILL FOR AN ACT relating to school retirement; to amend sections 79-1558 and 79-1560, Reissue Revised Statutes of Nebraska, 1943; to provide a supplemental retirement benefit as prescribed; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 475. Introduced by Nebraska Retirement Systems Committee: Nelson, 35, Chairperson; Crosby, 29; Elmer, 38; Moore, 24; Schellpeper, 18.

A BILL FOR AN ACT relating to school retirement; to amend section 79-1522.01, Revised Statutes Supplement, 1990; to increase the formula annuity retirement allowance as prescribed; and to repeal the original section.

LEGISLATIVE BILL 476. Introduced by Schmit, 23.

A BILL FOR AN ACT relating to juveniles; to amend section 43-272, Reissue Revised Statutes of Nebraska, 1943, and sections 43-272.01 and 43-2,106, Revised Statutes Supplement, 1990; to change provisions relating to the appointment of a guardian ad litem in certain juvenile court actions as prescribed; to change provisions relating to a juvenile's appeal from a county court sitting as a juvenile court to the district court as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 478. Introduced by Crosby, 29; Labedz, 5; Rogers, 41.

A BILL FOR AN ACT relating to abortion; to amend sections 28-343 and 28-345, Reissue Revised Statutes of Nebraska, 1943; to change the name of a form; and to repeal the original sections.

LEGISLATIVE BILL 479. Introduced by Will, 8.

A BILL FOR AN ACT relating to schools; to amend sections 79-12,114, 79-12,116, and 79-12,117, Reissue Revised Statutes of Nebraska, 1943; to eliminate provisions relating to deadlines; to harmonize provisions; to authorize the appointment of a hearing officer; and to repeal the original sections.

LEGISLATIVE BILL 481. Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to schools; to amend section 79-3819, Revised Statutes Supplement, 1990; to authorize a district to exceed the allowable growth percentage to fund increased health insurance cost; and to repeal the original section.

LEGISLATIVE BILL 483. Introduced by Byars, 30; Conway, 17.

A BILL FOR AN ACT relating to the State Boat Act; to amend sections 37-1214, 37-1216, and 37-1226, Reissue Revised Statutes of Nebraska, 1943, and section 37-1274, Revised Statutes Supplement, 1990; to provide an additional requirement for registering a motorboat; to require certificates of title for motorboats as prescribed; to provide powers and duties for county clerks and the Game and Parks Commission; to provide penalties; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 484. Introduced by Pirsch, 10.

A BILL FOR AN ACT relating to the Interstate Compact on Juveniles, to amend section 43-1002, Reissue Revised Statutes of Nebraska, 1943; to redefine the term juvenile; to provide an out-of-state rendition amendment; and to repeal the original section.

LEGISLATIVE BILL 485. Introduced by Ashford, 6; Lynch, 13.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Nebraska Coordinating Commission for Postsecondary Education for the Scholarship Assistance Program and the State Scholarship Award Program.

LEGISLATIVE BILL 489. Introduced by Warner, 25.

A BILL FOR AN ACT relating to acquisition of private property for public use; to amend sections 25-2501 and 25-2505, Reissue Revised Statutes of Nebraska, 1943; to exempt certain acquisitions from uniform procedures; to eliminate a hearing requirement; and to repeal the original sections.

LEGISLATIVE BILL 490. Introduced by Warner, 25.

A BILL FOR AN ACT relating to the enrollment option program; to amend section 79-3407, Revised Statutes Supplement, 1990; to change a provision relating to the determination of capacity; and to repeal the original section.

LEGISLATIVE BILL 491. Introduced by Hall, 7; Will, 8.

A BILL FOR AN ACT relating to drunk driving; to amend sections 39-669.16 and 39-669.22, Reissue Revised Statutes of Nebraska, 1943, and sections 39-669.07, 39-669.08, 39-6,122, and 60-4,118, Revised Statutes Supplement, 1990; to provide for installation of ignition interlock devices as prescribed; to provide a penalty; to provide for a restricted motor vehicle operator's license as prescribed; to provide an exception to assessment of points; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 492. Introduced by Hall, 7.

A BILL FOR AN ACT relating to airport authorities; to amend section 3-502, Revised Statutes Supplement, 1990; to terminate the airport authority board in cities of the metropolitan class and to provide for reappointment of the board; and to repeal the original section.

LEGISLATIVE BILL 493. Introduced by Schimek, 27; Conway, 17.

A BILL FOR AN ACT relating to the Auditor of Public Accounts; to amend section 84-304, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to powers and duties; and to repeal the original section.

LEGISLATIVE BILL 494. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to appropriations; to state intent; to appropriate funds for the Nebraska Food Processing Center; and to require an annual plan and review.

LEGISLATIVE BILL 495. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to children; to amend section 43-701, Reissue Revised Statutes of Nebraska, 1943; to prohibit certain advertisements, offers, payments of money, and other actions relating to adoption of children; to provide a penalty; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 496. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to economic development; to adopt the Nebraska Connection Network Act.

LEGISLATIVE BILL 497. Introduced by R. Johnson, 34.

A BILL FOR AN ACT relating to natural resources; to amend sections 2-1576, 2-1584, and 2-1585, Reissue Revised Statutes of Nebraska, 1943, and section 2-1579, Revised Statutes Supplement, 1990; to change provisions relating to legislative intent; to provide for funding water quality projects and practices from the Nebraska Soil and Water Conservation Fund; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 499. Introduced by Conway, 17.

A BILL FOR AN ACT relating to children and youth; to adopt the Youth Service and Conservation Corps Act.

LEGISLATIVE BILL 503. Introduced by Moore, 24; Conway, 17; Morrissey, 1.

A BILL FOR AN ACT relating to optometry; to amend sections 71-1,133, 71-1,135.01, 71-1,135.02, 71-1,135.04, and 71-1,135.05, Reissue Revised Statutes of Nebraska, 1943; to authorize the use of pharmaceutical agents as prescribed; to provide certification requirements; and to repeal the original sections.

LEGISLATIVE BILL 503A. Introduced by Moore, 24.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 503, Ninety-second Legislature, First Session, 1991.

LEGISLATIVE BILL 504. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to the Local Option Revenue Act; to amend section 77-27,148, Reissue Revised Statutes of Nebraska, 1943; to exempt farm machinery and farm equipment from the sales and use tax as prescribed; to provide for rules and regulations; to harmonize provisions; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 505. Introduced by Coordsen, 32; Morrissey, 1.

A BILL FOR AN ACT relating to solid waste disposal; to define terms; to provide for formation of solid waste disposal districts; to provide powers and duties; to provide for the creation, conduct, and operation of the Solid Waste Disposal Coordination Board; to provide powers, functions, duties, and responsibilities of the board; to create a fund; to provide for assessments; to provide for rules and regulations; to provide severability; and to declare an emergency.

LEGISLATIVE BILL 507. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to cities and villages; to amend section 19-929, Reissue Revised Statutes of Nebraska, 1943; to provide for setting a time limit as prescribed for certain matters before a planning commission; and to repeal the original section.

LEGISLATIVE BILL 510. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to gambling; to amend section 28-1101, Reissue Revised Statutes of Nebraska, 1943, and section 28-101, Revised Statutes Supplement, 1990; to define and redefine terms; to require licenses for acquisition, possession, and disposition of antique slot machines; to provide for the display and forfeiture of antique slot machines; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 512. Introduced by Coordsen, 32; Robak, 22; Hefner, 19; Peterson, 21; Lamb, 43.

A BILL FOR AN ACT relating to schools; to amend sections 79-402.13, 79-402.17, 79-402.18, 79-402.19, 79-402.28, 79-437.03, 79-438.12, 79-4,223, and 79-4,224, Revised Statutes Supplement, 1990, and Laws 1990, LB 259, section 34; to change dates relating to the affiliation of school districts; to change an operative date; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 513. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to villages; to amend section 17-201, Reissue Revised Statutes of Nebraska, 1943; to provide for annexation of certain sanitary and improvement districts as prescribed; to permit certain districts to incorporate as villages as prescribed; to change a provision relating to a prohibition on incorporating as a village; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 514. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-1,142 and 71-1,147.33, Reissue Revised Statutes of Nebraska, 1943; to define and redefine terms; to change provisions for employment of supportive pharmacy personnel; to change provisions relating to rules and regulations; to provide duties for the Board of Examiners in Pharmacy and for pharmacists in charge; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 515. Introduced by Chizek, 31.

A BILL FOR AN ACT relating to courts; to amend sections 24-301.02, 24-503, 24-810, 29-3910, and 83-1017, Revised Statutes Supplement, 1990; to change the number of judges and the judicial districts as prescribed; to change county judicial districts as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 516. Introduced by Chizek, 31.

A BILL FOR AN ACT relating to courts; to amend section 24-804, Reissue Revised Statutes of Nebraska, 1943, and sections 24-301.02, 24-503, 24-810, 29-3910, and 83-1017, Revised Statutes Supplement, 1990; to change the number of district court judicial districts and judges; to change the county court judicial districts as prescribed; to change a provision relating to Supreme Court Judges serving on judicial nominating commissions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 517. Introduced by Chizek, 31.

A BILL FOR AN ACT relating to pension plans; to amend section 18-1723, Reissue Revised Statutes of Nebraska, 1943; to provide a rebuttable presumption of death or disability for certain firefighters and law enforcement personnel as prescribed; and to repeal the original section.

LEGISLATIVE BILL 518. Introduced by Lynch, 13; Wesely, 26.

A BILL FOR AN ACT relating to commercial infectious waste incinerators; to amend section 81-1532, Reissue Revised Statutes of Nebraska, 1943; to prohibit the granting of a permit as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 519. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to highways; to amend sections 39-6,129 and 39-6,190, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to transporting refuse on certain highways as prescribed; to provide a penalty; to change a penalty for littering; and to repeal the original sections.

LEGISLATIVE BILL 520. Introduced by Lynch, 13; Will, 8; Rogers, 41; Peterson, 21; Hefner, 19; Hartnett, 45.

A BILL FOR AN ACT relating to sales and use tax; to amend section 77-2704, Reissue Revised Statutes of Nebraska, 1943; to exempt newspaper advertising supplements from taxation; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 521. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to fees; to amend sections 33-106 and 48-139, Reissue Revised Statutes of Nebraska, 1943, and section 33-106.02, Revised Statutes Supplement, 1990; to change provisions relating to fees of the clerk of the district court; and to repeal the original sections.

LEGISLATIVE BILL 522. Introduced by Dierks, 40; Conway, 17; Robak, 22; Pirsch, 10; Hartnett, 45.

A BILL FOR AN ACT relating to criminal history record information; to amend section 29-210, Reissue Revised Statutes of Nebraska, 1943; to permit certain employers and contractors to require criminal clearance verifications; to provide grounds for denial of such verifications; to provide duties for the Nebraska State Patrol, the Commissioner of Education, and the State Board of Education; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 522A. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 522, Ninety-second Legislature, First Session, 1991.

LEGISLATIVE BILL 523. Introduced by Kristensen, 37; Lindsay, 9.

A BILL FOR AN ACT relating to criminal procedure; to adopt the Convicted Sex Offender Act; to eliminate provisions relating to evaluation of persons convicted of certain crimes, treatment of mentally disordered sex offenders, and the Sentencing Review Committee; to provide severability; and to repeal sections 29-2911 to 29-2914, 29-2916, 29-2917, 29-2919 to 29-2921, and 83-1081, Reissue Revised Statutes of Nebraska, 1943, and sections 29-2915 and 29-2918, Revised Statutes Supplement, 1990.

LEGISLATIVE BILL 524. Introduced by Hall, 7.

A BILL FOR AN ACT relating to property tax; to amend sections 77-112 and 77-201, Reissue Revised Statutes of Nebraska, 1943; to provide for the valuation of agricultural land and horticultural land for tax year 1991; to define terms; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 527. Introduced by Smith, 33; Labedz, 5; Crosby, 29; Rogers, 41; Hillman, 48; Wickersham, 49; Robak, 22; Morrissey, 1; Wesely, 26; Schrock, 39; Will, 8.

A BILL FOR AN ACT relating to child and spousal support; to amend sections 42-358, 42-358.02, 42-364, 42-369, 43-512.02 to 43-512.10, 43-1406, 43-1411, 43-1701, 43-1703, 43-1708, 43-1709, 43-1716 to 43-1720, 43-1722 to 43-1727, 43-1730, 43-1734, 43-1737, 43-1740, and 43-1743, Reissue Revised Statutes of Nebraska, 1943, and sections 43-512 and 60-484, Revised Statutes Supplement, 1990; to provide for crediting and allocation of child support payments; to define and redefine terms; to change provisions relating to collection of child and spousal support; to provide for medical support as prescribed; to change provisions relating to aid to dependent children payments and paternity actions; to provide and change income withholding provisions for child, spousal, and medical support; to provide for the release of information to consumer reporting agencies; to provide for the use of social security numbers on driver's licenses for purposes of child support enforcement; to harmonize provisions; to repeal the original sections, and also section 43-1408, Reissue Revised Statutes of Nebraska, 1943, and to declare an emergency.

LEGISLATIVE BILL 529. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to elections; to adopt the Campaign Committee Income Tax Act; to provide an operative date; and to provide severability.

LEGISLATIVE BILL 530. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-824 and 29-2221, Reissue Revised Statutes of Nebraska, 1943; to provide a right of appeal from a denial of a motion to suppress; to authorize a challenge to prior convictions used as a basis for enhancement purposes; to eliminate a provision authorizing refiling of complaints; and to repeal the original sections, and also section 29-827, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 531. Introduced by Crosby, 29; Beyer, 3; Rogers, 41; Schrock, 39; Lamb, 43; L. Johnson, 15; Smith, 33.

A BILL FOR AN ACT relating to operation of conveyances; to amend sections 39-669.12 and 39-669.26, Reissue Revised Statutes of Nebraska, 1943, and sections 37-1254.01, 37-1254.02, 37-1254.05, 37-1254.06, 37-1254.08, 39-669.07, 39-669.08, 39-669.11, and 39-669.14, Revised Statutes Supplement, 1990; to change provisions relating to boating and driving while under the influence of alcohol or drugs and the administration of tests; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 532. Introduced by Landis, 46; Pirsch, 10; Hefner, 19; Horgan, 4; Dierks, 40; Beyer, 3; L. Johnson, 15; Withem, 14.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-462, Revised Statutes Supplement, 1990; to authorize the suspension of driving privileges for certain juveniles as prescribed; and to repeal the original section.

LEGISLATIVE BILL 532A. Introduced by Landis, 46.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 532, Ninety-second Legislature, First Session, 1991.

LEGISLATIVE BILL 533. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to the Nebraska Pickle Card Lottery Act; to amend sections 9-301, 9-329, 9-329.01, 9-329.03, 9-344, 9-345.03, and 9-347, Revised Statutes Supplement, 1990; to provide a time limitation for decisions of the Department of Revenue; to change a provision relating to the renewal of certain licenses as prescribed; to change provisions relating to qualifications of sales agents and pickle card operators as prescribed; to change provisions relating to the payment of the tax, decals, and use of profits; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 537. Introduced by Wesely, 26; Dierks, 40.

A BILL FOR AN ACT relating to health insurance; to adopt the Small Employer Health Insurance Act.

LEGISLATIVE BILL 537A. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 537, Ninety-second Legislature, First Session, 1991.

LEGISLATIVE BILL 538. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to health insurance; to adopt the Health Insurance Access Act.

LEGISLATIVE BILL 538A. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 538, Ninety-second Legislature, First Session, 1991.

LEGISLATIVE BILL 539. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-3709 and 71-3710, Reissue Revised Statutes of Nebraska, 1943; to eliminate continuing education requirements for sanitarians and sanitarians-in-training; and to repeal the original sections.

LEGISLATIVE BILL 540. Introduced by Wesely, 26; Nelson, 35.

A BILL FOR AN ACT relating to the Department of Public Institutions; to amend section 69-1317, Reissue Revised Statutes of Nebraska, 1943; to create the Children and Adolescent Alcohol and Drug Abuse Treatment and Rehabilitation Fund; to provide for use and funding of such fund; to provide duties for the department; and to repeal the original section.

LEGISLATIVE BILL 541. Introduced by Hall, 7; Will, 8; Lindsay, 9; Labedz, 5.

A BILL FOR AN ACT relating to cigarette tax; to amend sections 77-2602 and 81-638, Reissue Revised Statutes of Nebraska, 1943; to change the distribution of cigarette tax revenue; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 542. Introduced by Nelson, 35; Hartnett, 45; Elmer, 38; R. Johnson, 34; Lynch, 13; Rogers, 41.

A BILL FOR AN ACT relating to the Youth Leadership Academy Act; to amend sections 79-3602 to 79-3604, Revised Statutes Supplement, 1990; to eliminate provisions relating to the Youth Leadership Academy Act; to harmonize provisions; and to repeal the original sections, and also sections 50-1001 to 50-1009, Revised Statutes Supplement, 1990.

LEGISLATIVE BILL 543. Introduced by Nelson, 35.

A BILL FOR AN ACT relating to retirement; to amend section 84-1319, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to retirement benefits for state employees; and to repeal the original section.

LEGISLATIVE BILL 544. Introduced by Conway, 17.

A BILL FOR AN ACT relating to the Uniform Federal Lien Registration Act; to amend sections 52-1001 to 52-1005 and 52-1008, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the filing of certain federal liens; to provide powers and duties for the Secretary of State; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 545. Introduced by Lynch, 13; Cudaback, 36; Schellpeper, 18; Rasmussen, 20.

A BILL FOR AN ACT relating to medical costs; to amend sections 29-1004, 68-104, 68-126, 68-133, 68-139, and 77-1601, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the payment of costs for prisoners; to change responsibilities of the state and counties regarding medical assistance to the poor; to provide requirements for such assistance; to provide procedures for providing such assistance; to provide for audits; to provide for subrogation; to authorize rules and regulations; to limit the total cost of such assistance; to harmonize provisions; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 546. Introduced by Lynch, 13; Schmit, 23; Schellpeper, 18.

A BILL FOR AN ACT relating to zoning; to amend sections 16-902, 17-1001, 17-1002, and 19-901, Reissue Revised Statutes of Nebraska, 1943, and section 16-901, Revised Statutes Supplement, 1990; to change provisions relating to zoning regulations for cities of the first and second class and villages; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 547. Introduced by Lynch, 13; Schmit, 23; Schellpeper, 18.

A BILL FOR AN ACT relating to zoning; to amend sections 16-902, 17-1001, 17-1002, and 19-901, Reissue Revised Statutes of Nebraska, 1943, and sections 16-230, 16-231, 16-246, and 16-901, Revised Statutes Supplement, 1990; to restrict zoning authority for cities of the first and second class and villages as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 548. Introduced by Lynch, 13; Schmit, 23; Schellpeper, 18.

A BILL FOR AN ACT relating to villages; to amend section 17-201, Reissue Revised Statutes of Nebraska, 1943; to eliminate a restriction on incorporation of villages; and to repeal the original section.

LEGISLATIVE BILL 551. Introduced by Kristensen, 37; Coordsen, 32; Dierks, 40; Elmer, 38; Rogers, 41; Schellpeper, 18.

A BILL FOR AN ACT relating to labor; to amend sections 48-801.01, 48-818, and 48-819, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to orders of the Commission of Industrial Relations and collective-bargaining agreements; and to repeal the original sections.

LEGISLATIVE BILL 552. Introduced by Wesely, 26; Ashford, 6.

A BILL FOR AN ACT relating to economic development; to adopt the Foreign and Domestic Trade Assistance Act.

LEGISLATIVE BILL 553. Introduced by Lynch, 13; Will, 8; Hall, 7.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Roads for the transportation of elderly or handicapped persons.

LEGISLATIVE BILL 555. Introduced by Hall, 7.

A BILL FOR AN ACT relating to courts; to amend section 27-404, Reissue Revised Statutes of Nebraska, 1943; to change the admissibility of evidence in certain crimes, wrongs, or acts as prescribed; and to repeal the original section.

LEGISLATIVE BILL 556. Introduced by Baack, 47; Hefner, 19; Wesely, 26; Beutler, 28; Coordsen, 32; Morrissey, 1; Schellpeper, 18; Smith, 33; Schimek, 27; Ashford, 6.

A BILL FOR AN ACT relating to campaign financing; to amend section 49-14,123, Reissue Revised Statutes of Nebraska, 1943; to adopt the Campaign Finance Reform Act; to provide powers and duties for the Nebraska Accountability and Disclosure Commission; and to repeal the original section.

LEGISLATIVE BILL 557. Introduced by Schimek, 27; Baack, 47; Chizek, 31; Lynch, 13; Coordsen, 32; Labedz, 5; Wesely, 26; Schmit, 23.

A BILL FOR AN ACT relating to child abuse and neglect; to amend sections 28-710, 28-711, 28-713 to 28-717, 28-719 to 28-725, Reissue Revised Statutes of Nebraska, 1943, and sections 28-712 and 28-726, Revised Statutes Supplement, 1990; to define terms; to change reporting and record keeping requirements and procedures; to combine a registry and a register and eliminate the register; to change provisions relating to access to records; to harmonize provisions; and to repeal the original sections, and also section 28-718, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 559. Introduced by Schimek, 27; Baack, 47; Chizek, 31; Lynch, 13; Coordsen, 32; Wesely, 26; Labedz, 5; Schmit, 23.

A BILL FOR AN ACT relating to child abuse and neglect; to provide for an annual training program for providers of services to abused and neglected children.

LEGISLATIVE BILL 560. Introduced by Chizek, 31.

A BILL FOR AN ACT relating to state agencies; to amend section 81-8,239.01, Revised Statutes Supplement, 1990; to authorize the Attorney General to represent certain persons; to provide for indemnification for civil rights violations as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 562. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to the Employment Security Special Contingent Fund; to amend section 48-621, Revised Statutes Supplement, 1990; to eliminate certain uses of the fund; to provide for the transfer of funds; to eliminate the Nebraska Technical Community College Aid Cash Fund, the Nebraska Technical Community College Aid, Grant, and Contract Review Committee, and the Job Training Cash Fund; to provide an operative date; and to repeal the original sections, and also sections 79-2663, 79-2664, and 81-1201.21, Revised Statutes Supplement, 1990.

LEGISLATIVE BILL 563. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to public power; to amend section 70-626.04, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to making certain surplus line capacity available; and to repeal the original section.

LEGISLATIVE BILL 564. Introduced by Labedz, 5.

A BILL FOR AN ACT relating to liquor; to amend section 53-101, Revised Statutes Supplement, 1990; to authorize imposition of a fee on retailers by cities as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 566. Introduced by Labedz, 5.

A BILL FOR AN ACT relating to the Nebraska Rules of Evidence; to amend section 27-504, Revised Statutes Supplement, 1990; to redefine the term physician for purposes of the physician-patient privilege; and to repeal the original section.

LEGISLATIVE BILL 567. Introduced by Labedz, 5; Hall, 7.

A BILL FOR AN ACT relating to bingo; to amend section 9-233, Revised Statutes Supplement, 1990; to change a provision relating to classes of licenses; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 568. Introduced by Morrissey, 1.

A BILL FOR AN ACT relating to radioactive waste; to adopt the Radioactive Waste Disposal Liability Act.

LEGISLATIVE BILL 569. Introduced by Peterson, 21.

A BILL FOR AN ACT relating to income tax; to amend section 77-2715.08, Reissue Revised Statutes of Nebraska, 1943; to change a definition; and to repeal the original section.

LEGISLATIVE BILL 570. Introduced by Hefner, 19.

A BILL FOR AN ACT relating to waste reduction and recycling; to amend sections 81-15,160, 81-15,164, and 81-15,165, Revised Statutes Supplement, 1990, and Laws 1990, LB 163A, section 2; to eliminate a fee; to change provisions relating to uses of a fund; to provide for refunds; to appropriate funds; to harmonize provisions; to provide operative dates; to repeal the original sections, and also section 81-15,163, Revised Statutes Supplement, 1990; and to declare an emergency.

LEGISLATIVE BILL 572. Introduced by Baack, 47.

A BILL FOR AN ACT relating to elections; to adopt the Election Act.

LEGISLATIVE BILL 573. Introduced by Baack, 47; Robak, 22; Wehrbein, 2.

A BILL FOR AN ACT relating to community development; to define terms; to create Nebraska Planning and Development Districts; to provide for creation of development districts and regional councils; to provide financial assistance; and to provide duties.

LEGISLATIVE BILL 576. Introduced by Cudaback, 36; Hartnett, 45; Horgan, 4; Morrissey, 1.

A BILL FOR AN ACT relating to electricity; to amend sections 70-1001 and 70-1014, Reissue Revised Statutes of Nebraska, 1943; to restate policy; to provide an additional requirement for an application to construct or acquire additional facilities; and to repeal the original sections.

LEGISLATIVE BILL 577. Introduced by Baack, 47.

A BILL FOR AN ACT relating to smokeless tobacco products; to define terms; to provide for the distribution of smokeless tobacco products as prescribed; to provide for enforcement; to declare certain ordinances, resolutions, and regulations null and void; to eliminate restrictions on the distribution of smokeless tobacco products; and to repeal sections 69-1901 to 69-1904, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 581. Introduced by Smith, 33.

A BILL FOR AN ACT relating to horseracing; to amend section 2-1225, Revised Statutes Supplement, 1990; to define terms; to provide for interstate combined wagering pools and interstate simulcasts as prescribed; to provide restrictions on conducting such activities; to provide for the applicability of laws; to provide severability; and to repeal the original section.

LEGISLATIVE BILL 584. Introduced by Rogers, 41.

A BILL FOR AN ACT relating to radon testing; to provide for radon testing in nonresidential structures and schools; and to provide an operative date.

LEGISLATIVE BILL 585. Introduced by Withem, 14; Warner, 25; L. Johnson, 15.

A BILL FOR AN ACT relating to initiatives; to amend section 32-704, Revised Statutes Supplement, 1990; to provide a hearing requirement for initiatives as prescribed; to state intent; to provide for enforcement of the hearing requirement; to require certain procedures before circulating an initiative petition as prescribed; to provide duties for the Attorney General and Secretary of State; to provide a duty for the Revisor of Statutes; and to repeal the original section.

LEGISLATIVE BILL 585A. Introduced by Warner, 25.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 585, Ninety-second Legislature, First Session, 1991.

LEGISLATIVE BILL 587. Introduced by Beyer, 3.

A BILL FOR AN ACT relating to schools and school districts; to amend section 79-1249, Reissue Revised Statutes of Nebraska, 1943; to provide a date by which contracts must be negotiated; and to repeal the original section.

LEGISLATIVE BILL 589. Introduced by Beyer, 3.

A BILL FOR AN ACT relating to suburban development; to amend section 17-1001, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to the extension of jurisdiction of ordinances of cities of the second class and villages as prescribed; and to repeal the original section.

LEGISLATIVE BILL 590. Introduced by Rogers, 41.

A BILL FOR AN ACT relating to the Public Service Commission; to authorize a civil penalty for violations of law by telecommunication common carriers and automatic dialing-announcing device users as prescribed; to provide procedures; and to provide severability.

LEGISLATIVE BILL 593. Introduced by Morrissey, 1.

A BILL FOR AN ACT relating to the Low-Level Radioactive Waste Disposal Act; to amend sections 81-1578 and 81-1591, Revised Statutes Supplement, 1990; to redefine a term; to require the storage of certain classified low-level radioactive waste in a licensed facility as prescribed; to restrict the state's jurisdiction over such waste; to provide for a cause of action; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 594. Introduced by Chizek, 31.

A BILL FOR AN ACT relating to the Nebraska Hospital-Medical Liability Act; to amend section 44-2825, Reissue Revised Statutes of Nebraska, 1943; to increase the amount recoverable under the act; and to repeal the original section.

LEGISLATIVE BILL 596. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to powers of attorney; to amend sections 24-517, 30-2671, and 76-246, Reissue Revised Statutes of Nebraska, 1943; to define terms; to provide for and prescribe the effect of filing petitions; to provide a fee; to provide for a hearing, a guardian ad litem, and an appeal; to prescribe the applicability of the provisions; to state intent; to provide and change provisions relating to jurisdiction of the district and county court; to provide for the filing of a power of attorney with the Secretary of State and the register of deeds; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 597. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to the county comptroller; to amend sections 23-1401 and 23-1405, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the duties and salary of the county comptroller; and to repeal the original sections.

LEGISLATIVE BILL 598. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to juries; to amend sections 25-1625 and 25-1626, Reissue Revised Statutes of Nebraska, 1943; to change population requirements relating to jury commissioners; and to repeal the original section.

LEGISLATIVE BILL 599. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to appropriations; to state intent; and to appropriate funds to the Board of Regents of the University of Nebraska for the Bureau of Business Research.

LEGISLATIVE BILL 600. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to appropriations; to state intent; and to appropriate funds to the Department of Social Services for domestic violence programs.

LEGISLATIVE BILL 602. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to phlebotomists; to amend sections 71-101 and 71-162, Reissue Revised Statutes of Nebraska, 1943; to define terms; to require registration of phlebotomists; to create a fund; to provide for rules and regulations; to provide a penalty; to provide for fees; to harmonize provisions; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 606. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to the Missing Children Identification Act; to amend section 43-2001, Reissue Revised Statutes of Nebraska, 1943; to provide for a free certified birth certificate as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 609. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-1518 and 71-1524, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to membership of the housing authority; to create an owners advisory board; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 612. Introduced by Wickersham, 49; Baack, 47; Pirsch, 10; Hillman, 48; Schellpeper, 18.

A BILL FOR AN ACT relating to corrections; to amend section 83-173, Reissue Revised Statutes of Nebraska, 1943, and section 83-176, Revised Statutes Supplement, 1990; to authorize certain contracts for operation of places of correctional confinement; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 613. Introduced by Elmer, 38; Nelson, 35; Wehrbein, 2.

A BILL FOR AN ACT relating to recycling; to adopt the Beverage Containers Deposit and Recycling Act.

LEGISLATIVE BILL 620. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to the Political Subdivisions Tort Claims Act; to amend section 13-911, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to liability for damage or injury to innocent third parties; and to repeal the original section.

LEGISLATIVE BILL 621. Introduced by Dierks, 40; Lamb, 43.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-611, Reissue Revised Statutes of Nebraska, 1943; to provide for the aggregation of checks or orders when classifying the offense of issuing a bad check; to change a penalty provision; to provide a penalty for issuing a check or order on a closed account after notice; and to repeal the original section.

LEGISLATIVE BILL 622. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to schools and school districts; to amend section 79-1303, Revised Statutes Supplement, 1990; to change provisions relating to valuation of school lands and saline lands as prescribed; and to repeal the original section.

LEGISLATIVE BILL 624. Introduced by Warner, 25.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the acquisition of and improvements to certain real property.

LEGISLATIVE BILL 630. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to husband and wife; to amend section 42-364, Reissue Revised Statutes of Nebraska, 1943; to provide for continuation of child support beyond the age of nineteen years as prescribed; and to repeal the original section.

LEGISLATIVE BILL 631. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to water wells; to amend sections 46-601, 46-602, 46-602.01, 46-604, 46-606, 46-608, 46-609, 46-610, 46-611, 46-613.01, 46-613.02, 46-625, 46-630, 46-636. 46-637, 46-638, 46-639, 46-640, 46-651, 46-653, 46-654, 46-657, 46-659, 46-660, 46-661, 46-662, 46-663, 46-666, 46-667, 46-673.09, 46-1201, 46-1203, 46-1208, 46-1212, 46-1217, 46-1223, 46-1224, 46-1225, 46-1235, 46-1236, 46-1237, 46-1240, and 46-1241, Reissue Revised Statutes of Nebraska, 1943, and Laws 1981, LB 81, section 6; to change provisions relating to water well registration; to define and redefine terms; to change and authorize fees; to change, provide, and eliminate penalties and a definition; to change and eliminate log requirements; to change provisions of the Water Well Standards and Contractors' Licensing Act; to authorize disciplinary actions and provide procedures for disciplinary actions; to provide reinstatement procedures; to change and provide hearing procedures; to provide immunity for the Water Well Standards and Contractors' Licensing Board; to harmonize provisions; to change a repealer as prescribed; and to repeal the original sections, and also sections 46-603, 46-607, 46-612, and 46-1204, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 632. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to the Administrative Procedure Act; to amend sections 84-901, 84-914, and 84-920, Reissue Revised Statutes of Nebraska, 1943; to define a term; to prohibit certain ex parte communications; to prohibit certain acts; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 633. Introduced by Beutler, 28; Warner, 25; Wesely, 26; Schimek, 27; Crosby, 29; Landis, 46.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-3805, Revised Statutes Supplement, 1990; to change provisions relating to calculation of tiered cost per student; and to repeal the original section.

LEGISLATIVE BILL 637. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to judges; to amend sections 24-301 and 24-505.01, Reissue Revised Statutes of Nebraska, 1943, and sections 24-301.02 and 24-503, Revised Statutes Supplement, 1990; to change district and county judicial districts; to provide for subdistricts and primary service locations; to harmonize provisions; to provide an operative date; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 640. Introduced by Landis, 46; Schimek, 27; Ashford, 6; Nelson, 35; Chambers, 11; Rasmussen, 20; Hillman, 48.

A BILL FOR AN ACT relating to abortion; to amend sections 28-326, 28-332, and 28-340, Reissue Revised Statutes of Nebraska, 1943; to prohibit certain governmental actions related to pregnancy; to change provisions relating to state regulation of abortions; to provide for immunity as prescribed; to redefine terms; to harmonize provisions; to eliminate provisions relating to legislative intent and prohibition on performing certain abortions; and to repeal the original sections, and also sections 28-325, 28-329, and 28-330, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 641. Introduced by Pirsch, 10.

A BILL FOR AN ACT relating to credit unions; to amend section 21-17,118, Reissue Revised Statutes of Nebraska, 1943; to create the Credit Union Act Fund; and to repeal the original section.

LEGISLATIVE BILL 643. Introduced by Pirsch, 10.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-377, Reissue Revised Statutes of Nebraska, 1943, and section 28-726, Revised Statutes Supplement, 1990; to change provisions relating to access to the records of certain abused or neglected persons as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 644. Introduced by Pirsch, 10.

A BILL FOR AN ACT relating to adoption of children; to amend section 43-701, Reissue Revised Statutes of Nebraska, 1943; to prohibit certain advertisements or notices on radio and television stations; to provide a penalty; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 649. Introduced by Landis, 46.

A BILL FOR AN ACT relating to persons in custody; to provide for consultation with an attorney as prescribed.

LEGISLATIVE BILL 655. Introduced by Moore, 24.

A BILL FOR AN ACT relating to insurance; to amend sections 44-513.01 and 44-4112, Reissue Revised Statutes of Nebraska, 1943; to require coverage for health care services provided by licensed health professionals as prescribed; to eliminate a provision requiring such coverage; to harmonize provisions; and to repeal the original sections, and also section 44-513, Revised Statutes Supplement, 1990.

LEGISLATIVE BILL 658. Introduced by R. Johnson, 34.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-102, Revised Statutes Supplement, 1990; to state intent; to prohibit trafficking in reptiles and amphibians native to Nebraska as prescribed; to provide exceptions; and to repeal the original section.

LEGISLATIVE BILL 659. Introduced by R. Johnson, 34.

A BILL FOR AN ACT relating to agriculture; to establish an earth receiving station; to require reports; and to appropriate funds.

LEGISLATIVE BILL 660. Introduced by Natural Resources Committee: R. Johnson, 34, Chairperson; Horgan, 4; Lamb, 43; Morrissey, 1; Schmit, 23.

A BILL FOR AN ACT relating to the Water Well Standards and Contractors' Licensing Act; to amend section 46-1201, Reissue Revised Statutes of Nebraska, 1943; to provide for an exemption from the act for employees of natural resources districts; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 661. Introduced by R. Johnson, 34.

A BILL FOR AN ACT relating to solid waste management; to state intent; and to authorize the Department of Environmental Control to hire staff and use funds to carry out certain solid waste management duties.

LEGISLATIVE BILL 662. Introduced by Warner, 25; Robinson, 16.

A BILL FOR AN ACT relating to schools; to amend sections 77-2701.01, 77-2701.02, 77-2715.01, 77-2734.02, 79-447, 79-448, and 79-3332, Reissue Revised Statutes of Nebraska, 1943; to create the School Aid Fund; to provide that a portion of income and sales and use tax receipts be credited to the School Aid Fund; to provide for the use of the fund; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 664. Introduced by Conway, 17.

A BILL FOR AN ACT relating to the Uniform Commercial Code; to amend sections 9-402, 9-403, and 9-411, Uniform Commercial Code; to provide for filing of telefaxed documents; to provide for disposition of lapsed filings; to change a duty for county clerks; to provide for and increase fees; to provide for payment by credit card as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 666. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to smoking; to amend sections 71-5701 to 71-5703, 71-5709, 71-5710, and 81-638, Reissue Revised Statutes of Nebraska, 1943; to state findings; to require the Department of Health to develop materials as prescribed; to create a fund; to provide for disbursement of money in the fund; to provide a penalty under the Nebraska Clean Indoor Air Act; to eliminate a provision for waiver of requirements of the act; to eliminate authority for an injunction action as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original sections, and also sections 71-5711 and 71-5713, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 668. Introduced by Conway, 17.

A BILL FOR AN ACT relating to the Nebraska State Historical Society; to amend sections 82-105, 82-107, 82-108.02, 82-111, 82-112, 82-118, 82-124, and 84-710, Reissue Revised Statutes of Nebraska, 1943, and section 28-101, Revised Statutes Supplement, 1990; to define terms; to change provisions relating to the acquisition of historical material, funds received by the society, and violations involving monuments and historical markers; to transfer provisions relating to Pioneers' Memorial Day and historical surveys; to eliminate provisions relating to certain historical properties; to harmonize provisions; and to repeal the original sections, and also sections 82-101 to 82-104, 82-106, 82-108, 82-108.01, 82-109, 82-110, 82-114, 82-115, 82-117, 82-119 to 82-123, and 82-125 to 82-132, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 669. Introduced by R. Johnson, 34; Elmer, 38; Smith, 33; Hartnett, 45.

A BILL FOR AN ACT relating to degradable products; to amend sections 69-2001, 69-2002, and 69-2011, Reissue Revised Statutes of Nebraska, 1943; to define a term; to change provisions relating to disposable diaper requirements; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 670. Introduced by Conway, 17.

A BILL FOR AN ACT relating to condemnation; to amend sections 76-711 and 76-719.01, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to interest; and to repeal the original sections.

LEGISLATIVE BILL 671. Introduced by Landis, 46; Ashford, 6; Bernard-Stevens, 42; Beutler, 28; Nelson, 35.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Rights of the Terminally Ill Act; and to provide severability.

LEGISLATIVE BILL 672. Introduced by Nelson, 35; Bernard-Stevens, 42.

A BILL FOR AN ACT relating to cities of the first class; to amend sections 16-1025, 16-1026, 16-1027, 16-1029, 16-1030, and 16-1034 to 16-1038, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to retirement systems and benefits for firefighters; to provide duties and expenses for committee members; and to repeal the original sections.

LEGISLATIVE BILL 673. Introduced by Bernard-Stevens, 42.

A BILL FOR AN ACT relating to juveniles; to amend sections 28-106, 28-107, 29-401, 29-610.02, 29-743, 29-2206, 43-250, 43-251, 43-253, 43-255, 47-117, 49-801, and 83-4,125, Reissue Revised Statutes of Nebraska, 1943, and section 43-245, Revised Statutes Supplement, 1990; to define terms; to require the placement of juveniles in juvenile detention facilities as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 675. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to mental health regions; to amend section 71-5001, Reissue Revised Statutes of Nebraska, 1943; to provide for children's mental health teams; to create the position of coordinator of children's mental health services; and to repeal the original sections.

LEGISLATIVE BILL 676. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to persons with disabilities; to state intent; to provide duties for the State Department of Education; to provide for the establishment and maintenance of independent living centers and programs; to provide for rules and regulations; and to provide priorities for funding.

LEGISLATIVE BILL 677. Introduced by Wesely, 26; Rasmussen, 20.

A BILL FOR AN ACT relating to long-term care facilities; to adopt the Long-Term Care Ombudsman Act.

LEGISLATIVE BILL 678. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to the Nebraska Mental Health Commitment Act; to amend sections 83-1002, 83-1018, and 83-1046, Reissue Revised Statutes of Nebraska, 1943, and section 83-1078, Revised Statutes Supplement, 1990; to define terms; to provide for training of members of mental health boards as prescribed; to authorize additional adjudications regarding board-ordered treatment; to change provisions relating to discharge and changes in treatment; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 678A. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 678, Ninety-second Legislature, First Session, 1991.

LEGISLATIVE BILL 679. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Health Care Data Commission Act.

LEGISLATIVE BILL 680. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to rural health; to adopt the Rural Health Innovation and Enhancement Act.

LEGISLATIVE BILL 682. Introduced by Schmit, 23.

A BILL FOR AN ACT relating to judges retirement; to amend section 24-701 and 24-710, Reissue Revised Statutes of Nebraska, 1943; to redefine a term; to change provisions relating to monthly payment for a retirement annuity; and to repeal the original sections.

LEGISLATIVE BILL 684. Introduced by Schmit, 23.

A BILL FOR AN ACT relating to educational lands; to amend sections 72-240.23, 72-240.26, 72-257 to 72-258, 72-258.01, 72-259, 72-261, and 72-267, Reissue Revised Statutes of Nebraska, 1943; to require the sale of educational lands as prescribed; to change provisions for leases of unsold land; to change provisions for a report; to provide and change duties of the Board of Educational Lands and Funds; to change a provision relating to acquisition of educational lands by the Game and Parks Commission; to eliminate provisions relating to sale and lease of certain property as prescribed; to harmonize provisions; and to repeal the original sections, and also section 72-268, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 686. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to homesteads; to amend section 77-3507, Reissue Revised Statutes of Nebraska, 1943; to change a tax exemption based on income as prescribed; and to repeal the original section.

LEGISLATIVE BILL 688. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to child support referees; to amend sections 43-1608 to 43-1611, Revised Statutes Supplement, 1990; to change provisions relating to the appointment and funding of child support referees as prescribed; to authorize referees to establish and enforce orders for medical support; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 690. Introduced by Hefner, 19; Coordsen, 32.

A BILL FOR AN ACT relating to employment security; to amend section 48-627, Reissue Revised Statutes of Nebraska, 1943, and sections 48-621 and 48-628, Revised Statutes Supplement, 1990; to provide for grants as prescribed; to change provisions relating to eligibility for benefits for persons in drug or alcohol treatment programs; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 691. Introduced by Bernard-Stevens, 42; L. Johnson, 15.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-1002 to 29-1004, and 19-1823, Reissue Revised Statutes of Nebraska, 1943; to provide for the payment of certain costs by the state when a person is determined to be mentally incompetent to stand trial; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 694. Introduced by Chizek, 31.

A BILL FOR AN ACT relating to courts; to amend sections 25-1565, 25-1570, 29-812, 29-2281, and 29-3302, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to execution against the property of a judgment debtor as prescribed; to change a provision relating to witnesses in proceedings for the discovery of property of a judgment debtor as prescribed; to eliminate fees; to provide that restitution payments be made through the clerk of the court; and to repeal the original sections.

LEGISLATIVE BILL 696. Introduced by Lindsay, 9; Wesely, 26.

A BILL FOR AN ACT relating to powers of attorney; to state intent; to define terms; to provide for the execution of a power of attorney for health care; to provide procedures, a form, criteria, limitations, powers, and duties as prescribed; and to provide penalties.

LEGISLATIVE BILL 697. Introduced by Schmit, 23; Nelson, 35; R. Johnson, 34; Cudaback, 36; Schrock, 39.

A BILL FOR AN ACT relating to water; to require an advanced planning study for the Prairie Bend project; and to declare an emergency.

LEGISLATIVE BILL 698. Introduced by Education Committee: Withem, 14, Chairperson; Beutler, 28; Chizek, 31; Dierks, 40; Lamb, 43; Nelson, 35; Schrock, 39; Warner, 25.

A BILL FOR AN ACT relating to schools and school districts; to amend sections 77-3437, 77-3438, 79-403.02, 79-426.22, 79-436, 79-445, 79-446.01 to 79-448, 79-449.01, 79-497, 79-498, 79-506, 79-506.01 to 79-506.04, 79-548.01, 79-1247.07, 79-1254.02, 79-1307.01, 79-1914, 79-2212, 79-3304, and 79-3336, Reissue Revised Statutes of Nebraska, 1943, sections 13-504, 23-3306, 79-101.01, 79-201.09, 79-402, 79-402.13, 79-426.19, 79-437.03, 79-438.09, 79-451, 79-458, 79-494, 79-4,102 to 79-4,104, 79-4,159, 79-4,222, 79-1103, 79-1247.05, 79-1304, 79-1369, 79-2203, 79-3415, 79-3703, 79-3803, 79-3804, 79-3806, 79-3808 to 79-3811, 79-3813, 79-3815 to 79-3820, and 79-3822 to 79-3824, Revised Statutes Supplement, 1990, and Laws 1988, LB 940, section 19; to change, add, and eliminate duties of the State Department of Education; to define and redefine terms; to change provisions relating to budget limitations and budget statements; to change provisions relating to affiliation; to change dates relating to reorganization; to change provisions relating to amounts and disbursement of nonresident high school tuition; to change provisions relating to reports; to change provisions relating to the effect of a census; to change duties for county superintendents; to change provisions relating to acquisition of facilities by Class II school districts; to eliminate career certification levels for teachers; to provide for substitute teaching certificates or permits; to provide for waiver of a fee; to change a provision relating to contract renewal; to eliminate a prohibition on payment of state apportionment of certain funds; to add and change duties for county treasurers; to change a provision relating to withholding payments to school districts; to provide for membership in and withdrawal from educational service units for certain Class I districts; to change provisions relating to reimbursement of certain special education costs; to change dates relating to certain reports and notification duties; to change and add provisions relating to state aid and equalization aid under the Tax Equity and Educational Opportunities Support Act; to change provisions for determining district formula resources; to change provisions relating to the applicable allowable growth rate for special education; to eliminate the Nebraska Mathematics and Science Teacher Training Act; to harmonize provisions; to provide severability; to repeal the original sections, and also sections 79-493, 79-1247.15, 79-12,142 to

Nebraska, 1943, and section 79-12,147, Revised Statutes Supplement, 1990; and to declare an emergency.

LEGISLATIVE BILL 702. Introduced by Health and Human Services Committee: Wesely, 26, Chairperson; Beyer, 3; Byars, 30; Cudaback, 36; Dierks, 40; Schellpeper, 18.

A BILL FOR AN ACT relating to the Department of Health; to amend sections 71-162, 71-1,147.03, 71-1,147.05, 71-1,147.07, 71-1,147.08, 71-382, 71-605.02, 71-612, 71-617.15, 71-627, 71-634, 71-1559, 71-2618, 71-3508.04, 71-4604.01, 71-4624, 71-6303, 77-2602, and 81-638, Reissue Revised Statutes of Nebraska, 1943, and section 44-32,163, Revised Statutes Supplement, 1990; to change certain fees collected by the Department of Health; to eliminate certain cash funds as prescribed; to provide for credit and expenditure of certain funds; to provide for transfer of certain funds as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 702A. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 702, Ninety-second Legislature, First Session, 1991.

LEGISLATIVE BILL 704. Introduced by Health and Human Services Committee: Wesely, 26, Chairperson; Beyer, 3; Byars, 30; Cudaback, 36; Dierks, 40; Rasmussen, 20; Schellpeper, 18.

A BILL FOR AN ACT relating to persons found not responsible by reason of insanity; to amend section 29-3703, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to treatment; and to repeal the original section.

LEGISLATIVE BILL 706. Introduced by Ashford, 6.

A BILL FOR AN ACT relating to historic preservation; to establish the Task Force on Historic Preservation; to state intent; to provide powers and duties; and to provide for termination of the task force.

LEGISLATIVE BILL 706A. Introduced by Ashford, 6.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 706, Ninety-second Legislature, First Session, 1991.

LEGISLATIVE BILL 708. Introduced by Ashford, 6.

A BILL FOR AN ACT relating to physically disabled persons; to amend sections 20-127, 20-128, 20-131.04, 28-1313, and 28-1314, Reissue Revised Statutes of Nebraska, 1943, and section 48-1102, Revised Statutes Supplement, 1990; to authorize the use of service dogs as prescribed; to define and redefine terms; to change and create certain offenses involving guide dogs, hearing aid dogs, and service dogs; to provide penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 710. Introduced by Ashford, 6.

A BILL FOR AN ACT relating to professional corporations; to authorize Nebraska professional corporations to provide services in other states; and to provide for certain foreign professional corporations to provide services in Nebraska as prescribed.

LEGISLATIVE BILL 711. Introduced by Ashford, 6.

A BILL FOR AN ACT relating to injunctions; to authorize consolidation of trial and an application for a temporary injunction as prescribed; to provide for the treatment of evidence; and to authorize appeal from a temporary injunction.

LEGISLATIVE BILL 717. Introduced by Schmit, 23.

A BILL FOR AN ACT relating to horseracing; to amend section 2-1207, Revised Statutes Supplement, 1990; to require licensees to withhold a portion of other gambling receipts to maintain purses for live horseracing; and to repeal the original section.

LEGISLATIVE BILL 718. Introduced by Schmit, 23.

A BILL FOR AN ACT relating to parimutuel wagering; to amend sections 2-1216 and 2-1221, Reissue Revised Statutes of Nebraska, 1943, and sections 2-1203.01 and 2-1207, Revised Statutes Supplement, 1990; to change provisions relating to parimutuel wagering; to provide for racetrack messenger services; to provide powers and duties for the State Racing Commission, licensed racetracks, and racetrack messenger services; to provide penalties; and to repeal the original sections.

LEGISLATIVE BILL 718A. Introduced by Schmit, 23.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 718, Ninety-second Legislature, First Session, 1991; and to declare an emergency.

LEGISLATIVE BILL 719. Introduced by Withem, 14; Lamb, 43.

A BILL FOR AN ACT relating to rivers and streams; to amend section 2-1507, Reissue Revised Statutes of Nebraska, 1943; to state findings; to authorize the Nebraska Natural Resources Commission to designate protected streams; to require enforcement of use restrictions; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 719A. Introduced by Withem, 14.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 719, Ninety-second Legislature, First Session, 1991; and to declare an emergency.

LEGISLATIVE BILL 722. Introduced by Schimek, 27; Conway, 17.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend sections 49-1446.01 and 49-1446.02, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to expenditure or transfer of certain funds as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 723. Introduced by Conway, 17; Bernard-Stevens, 42.

A BILL FOR AN ACT relating to marijuana and controlled substances; to amend sections 28-429, 28-1439.02 to 28-1439.05, 77-4301, 77-4307 to 77-4309, 77-4311, 77-4313, 77-4315, and 77-4316, Reissue Revised Statutes of Nebraska, 1943; to provide for disbursement of proceeds from a tax on marijuana and controlled substances; to rename funds; to rename boards; to define a term; to provide powers and duties for the Superintendent of Law Enforcement and Public Safety and for County Drug Law Enforcement and Education Boards; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 725. Introduced by Conway, 17.

A BILL FOR AN ACT relating to residential dwelling construction; to adopt the Housing Contractor Act.

LEGISLATIVE BILL 726. Introduced by Ashford, 6.

A BILL FOR AN ACT relating to appropriations; to state intent; and to appropriate funds to the Board of Regents of the University of Nebraska.

LEGISLATIVE BILL 728. Introduced by Ashford, 6; Rasmussen, 20; Chizek, 31; Will, 8.

A BILL FOR AN ACT relating to infants; to amend sections 42-364 and 43-1412, Reissue Revised Statutes of Nebraska, 1943; to adopt the Parenting Act; to provide for inclusion of a parenting plan in decrees as prescribed; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 730. Introduced by Elmer, 38.

A BILL FOR AN ACT relating to interbasin transfers of water; to amend section 46-289, Reissue Revised Statutes of Nebraska, 1943; to specify that certain parties are parties in interest; and to repeal the original section.

LEGISLATIVE BILL 733. Introduced by Hall, 7.

A BILL FOR AN ACT relating to liquors; to amend section 53-179, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the hours during which the sale of alcoholic liquors is unlawful; and to repeal the original section.

LEGISLATIVE BILL 734. Introduced by Hall, 7.

A BILL FOR AN ACT relating to real estate; to create a statewide file on real estate sales; to create a fund; and to require the Department of Revenue to study matters relating to assessors.

LEGISLATIVE BILL 735. Introduced by Hall, 7; Chambers, 11.

A BILL FOR AN ACT relating to workers compensation; to amend section 48-121, Reissue Revised Statutes of Nebraska, 1943, and section 48-121.01, Revised Statutes Supplement, 1990; to change provisions relating to disability and maximum weekly income benefits; and to repeal the original sections.

LEGISLATIVE BILL 736. Introduced by Hall, 7.

A BILL FOR AN ACT relating to the Legislature; to amend section 50-401.01, Reissue Revised Statutes of Nebraska, 1943; to eliminate the ex officio member of the executive board; and to repeal the original section.

LEGISLATIVE BILL 739. Introduced by Hall, 7.

A BILL FOR AN ACT relating to industrial loan and investment companies; to amend Laws 1990, LB 272A, section 4; to change provisions relating to certain distributions from appropriated money by the Department of Banking and Finance as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 743. Introduced by Schmit, 23; Labedz, 5; Lynch, 13; Nelson, 35; Smith, 33.

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend section 43-2,129, Revised Statutes Supplement, 1990; to provide for the expungement of juvenile records as prescribed; to define terms; to eliminate a provision relating to the sealing of records; to harmonize provisions; and to repeal the original section, and also section 43-2,105, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 744. Introduced by Schmit, 23; Warner, 25; Lynch, 13; Nelson, 35; Smith, 33.

A BILL FOR AN ACT relating to crime victims; to amend sections 29-119, 42-905, and 81-1848, Revised Statutes Supplement, 1990; to redefine a term; to require additional services for victims of abuse; to provide additional rights for victims of certain crimes; and to repeal the original sections.

LEGISLATIVE BILL 746. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; R. Johnson, 34; Labedz, 5; Rasmussen, 20; Schimek, 27; Smith, 33; Will, 8.

A BILL FOR AN ACT relating to metropolitan utilities districts; to amend sections 10-126, 14-542, 14-554, 14-814, 14-815, 14-1001 to 14-1004, 14-1006 to 14-1013, 14-1015 to 14-1019, 14-1021 to 14-1024, 14-1026 to 14-1030, 14-1032, 14-1034 to 14-1036, 14-1038, 14-1039, 14-1041, 14-1042, 14-1101 to 14-1102.01, 14-1103.01 to 14-1105, 14-1108 to 14-1117, 18-401, 18-403, 18-404, 18-405, 18-406, 18-408, 18-409, 18-410, 77-2342, 77-2344, and 77-2349, Reissue Revised Statutes of Nebraska, 1943, and sections 14-1005, 32-1401, and 32-1406, Revised Statutes Supplement, 1990; to change provisions relating to public utilities; to harmonize provisions; to eliminate provisions relating to private water plants; to eliminate obsolete sections relating to gas plants; and to repeal the original sections, and also sections 14-1031, 14-1037, 14-1040, and 14-1103, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 747. Introduced by Natural Resources Committee: R. Johnson, 34, Chairperson; Elmer, 38; Hartnett, 45; Lamb, 43; Morrissey, 1.

A BILL FOR AN ACT relating to public power; to amend section 70-1001, Reissue Revised Statutes of Nebraska, 1943; to define a term; to restrict sales of electric energy by independent power producers as prescribed; to restate policy; and to repeal the original section.

LEGISLATIVE BILL 748. Introduced by Natural Resources Committee: R. Johnson, 34, Chairperson; Elmer, 38; Hartnett, 45; Morrissey, 1; Schmit, 23.

A BILL FOR AN ACT relating to low-level radioactive waste; to amend sections 71-3508.02 and 81-15,102, Reissue Revised Statutes of Nebraska, 1943, and section 81-15,101, Revised Statutes Supplement, 1990; to change and eliminate provisions relating to the issuance of a license for disposal on certain land and the acceptance or acquisition by the state of land for such disposal; and to repeal the original sections.

LEGISLATIVE BILL 749. Introduced by Schmit, 23.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-3803, Revised Statutes Supplement, 1990; to eliminate a provision relating to adjustment factors; to harmonize provisions; and to repeal the original section, and also section 79-3809, Revised Statutes Supplement, 1990.

LEGISLATIVE BILL 749A. Introduced by Schmit, 23.

A BILL FOR AN ACT relating to appropriations; to reduce appropriated funds to reflect the provisions of Legislative Bill 749, Ninety-second Legislature, First Session, 1991.

LEGISLATIVE BILL 750. Introduced by Schmit, 23.

A BILL FOR AN ACT relating to ethanol; to require the State Energy Office to develop and implement a loan program; and to appropriate funds for the program.

LEGISLATIVE BILL 751. Introduced by Schmit, 23.

A BILL FOR AN ACT relating to education; to state intent; to define terms; to provide for an alternative performance-based employment contract for certain employees as prescribed; to provide for the development of an employee evaluation system; and to provide duties for the State Department of Education.

LEGISLATIVE BILL 753. Introduced by Ashford, 6; Labedz, 5.

A BILL FOR AN ACT relating to nonprofit associations; to define terms; and to provide immunity from civil damages as prescribed.

LEGISLATIVE BILL 754. Introduced by Schmit, 23; Schrock, 39.

A BILL FOR AN ACT relating to ethanol; to amend sections 66-410, 66-428, 66-467.01, 66-470, 66-1214, 66-1303, 66-1304, 66-1307, 66-1326, and 77-27,189, Reissue Revised Statutes of Nebraska, 1943; to extend tax reductions for certain motor fuels; to increase the amount of a fund transfer; to eliminate a label requirement; to define and redefine terms; to increase and provide per diems; to change termination dates; to change and create tax credits; to harmonize provisions; to provide severability; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 757. Introduced by Banking, Commerce and Insurance Committee: Landis, 46, Chairperson; Conway, 17; Hall, 7; Lindsay, 9; Wesely, 26.

A BILL FOR AN ACT relating to financial institutions; to amend sections 8-342, 8-343, 8-346, 8-385, 8-602, and 21-1777, Reissue Revised Statutes of Nebraska, 1943, and sections 8-108, 8-157, and 8-1515, Revised Statutes Supplement, 1990; to provide for the examination of electronic data processing centers as prescribed; to change provisions relating to the establishment of detached auxiliary offices, foreign building and loan associations, building and loan association examinations, the requirement to maintain insurance on certain instruments, fees and services, and credit union examinations; and to repeal the original sections.

LEGISLATIVE BILL 758. Introduced by Banking, Commerce and Insurance Committee: Landis, 46, Chairperson; Conway, 17; Hall, 7; Lindsay, 9; Wesely, 26.

A BILL FOR AN ACT relating to the Securities Act of Nebraska; to amend sections 8-1110 and 8-1111, Revised Statutes Supplement, 1990; to change provisions relating to exemptions; and to repeal the original sections.

LEGISLATIVE BILL 759. Introduced by Banking, Commerce and Insurance Committee: Landis, 46, Chairperson; Conway, 17; Hall, 7; Lindsay, 9; Wesely, 26.

A BILL FOR AN ACT relating to seller-assisted marketing plans; to amend sections 59-1722, 59-1724, 59-1733, and 59-1753, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to compliance with Federal Trade Commission rules; to provide a fee; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 761. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to the Game and Parks Commission; to authorize and direct the purchase of certain railroad right-of-way; to provide for development of a recreational trail; to authorize sale of the property by the commission; and to declare an emergency.

LEGISLATIVE BILL 763. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to police; to prohibit high-speed chases.

LEGISLATIVE BILL 764. Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend sections 31-723, 31-733, 31-735, and 31-739, Reissue Revised Statutes of Nebraska, 1943; to provide for treatment of a district as a purchasing agent; to change the powers of the board of trustees; to change the terms of office for trustees as prescribed; to change election procedures; to authorize appointment of a treasurer; to provide an additional use of a fund; to require equal treatment of property owners; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 765. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to municipalities; to amend sections 17-614, 19-903, 19-929, Reissue Revised Statutes of Nebraska, 1943, and section 16-404, Revised Statutes Supplement, 1990; to define a term; to provide duties and limitations for municipalities annexing territory as prescribed; to change provisions relating to procedure in passing ordinances as prescribed; to change provisions relating to comprehensive development plans regarding identification of future areas for certain sanitary improvement districts, commercial tracts, and other areas as prescribed; to change provisions relating to planning commissions procedure on certain matters; and to repeal the original sections.

LEGISLATIVE BILL 767. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to municipalities; to adopt the Municipal Impact Fee Authorization Act; and to provide severability.

LEGISLATIVE BILL 768. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to environmental protection; to adopt the Local Solid Waste Management Control Act.

LEGISLATIVE BILL 770. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to smoke detectors; to amend section 81-5,142, Reissue Revised Statutes of Nebraska, 1943; to require the provision of smoke detectors as prescribed; and to repeal the original section.

LEGISLATIVE BILL 771. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to school retirement; to amend section 79-1501, Revised Statutes Supplement, 1990; to provide for cost-of-living increases for members of the school retirement system; to create a fund; to provide for the transfer of certain investment income as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 774. Introduced by Will, 8.

A BILL FOR AN ACT relating to public power and irrigation districts; to amend section 70-612, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to election of the board of directors for certain districts; and to repeal the original section.

LEGISLATIVE BILL 775. Introduced by Schmit, 23.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-110, Revised Statutes Supplement, 1990; to change limitations on commencement of certain prosecutions; and to repeal the original section.

LEGISLATIVE BILL 784. Introduced by Lamb, 43; Schrock, 39; Elmer, 38.

A BILL FOR AN ACT relating to technical community colleges; to amend sections 79-2638, 79-2639, 79-2643, 79-2646, 79-2646.01, 79-2651.02, and 85-401 to 85-403.01, Reissue Revised Statutes of Nebraska, 1943, and sections 79-2636, 79-2637, 79-2640, 79-2644, 79-2647, 79-2651, 79-2651.04, 79-2663, and 79-2664, Revised Statutes Supplement, 1990; to restate intent; to define and redefine terms; to rename technical community colleges; to create the Nebraska Community College Coordinating Board; to provide for state funding of community colleges; to create funds; to provide for the transfer of rights, contracts, title to facilities, obligations, personnel, and retirement benefits; to eliminate the power to levy a property tax; to provide a duty for the Revisor of Statutes; to harmonize provisions; and to repeal the original sections, and also sections 79-2650.03, 79-2650.06, 79-2650.08, and 79-2650.10 to 79-2650.15, Reissue Revised Statutes of Nebraska, 1943, and sections 79-2648, 79-2649, 79-2650, 79-2650.07, 79-2650.09, 79-2651.03, 79-2651.05, and 79-2651.06, Revised Statutes Supplement, 1990.

LEGISLATIVE BILL 785. Introduced by Lamb, 43; Wickersham, 49.

A BILL FOR AN ACT relating to schools; to amend sections 79-438.09 to 79-438.11 and 79-4,102, Revised Statutes Supplement, 1990, and Laws 1988, LB 940, section 19; to change provisions for budget computations for affiliated school districts and nonresident high school education; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 787. Introduced by Peterson, 21.

A BILL FOR AN ACT relating to the Nebraska Condominium Act; to amend sections 76-837 and 76-854, Reissue Revised Statutes of Nebraska, 1943; to provide a cause of action for enforcement as prescribed; to change provisions relating to amending the declaration as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 788. Introduced by Schmit, 23; Rogers, 41; Lamb, 43; Schrock, 39; Conway, 17; Hefner, 19.

A BILL FOR AN ACT relating to capital construction; to authorize development of plans for and construction of a public events center and headquarters building; to appropriate funds; and to set a project cost limit.

LEGISLATIVE BILL 791. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-4720, 71-4728, and 71-4729, Reissue Revised Statutes of Nebraska, 1943; to provide for access to comprehensive mental health services for hearing-impaired persons; to provide for a coordinator of services; to provide for a special committee as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 792. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to public health and welfare; to create the Commission on Health Promotion and Physical Fitness; to state findings; to define terms; to provide for membership; to provide powers and duties; to provide for an executive director and other personnel; and to provide for a report.

LEGISLATIVE BILL 799. Introduced by Conway, 17; Hillman, 48; Morrissey, 1; Wickersham, 49; Byars, 30; Hefner, 19; Wehrbein, 2; Elmer, 38; Schmit, 23; Schellpeper, 18; Labedz, 5; Baack, 47; R. Johnson, 34.

A BILL FOR AN ACT relating to capital construction; to amend sections 77-2602, 85-322, 85-323, and 85-325, Reissue Revised Statutes of Nebraska, 1943, and section 85-324, Revised Statutes Supplement, 1990; to change provisions for disbursement of the cigarette tax; to provide for capital construction projects by the Board of Trustees of the Nebraska State Colleges; to provide for disbursement of money in certain funds; to state intent; to appropriate funds; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 800. Introduced by Hall, 7.

A BILL FOR AN ACT relating to liquor; to amend section 53-101, Revised Statutes Supplement, 1990; to authorize a civil action for damages resulting from a misrepresentation of age by a minor; to provide procedures; to harmonize a provision; and to repeal the original section.

LEGISLATIVE BILL 801. Introduced by Schellpeper, 18; Elmer, 38; Peterson, 21; Robinson, 16; Bernard-Stevens, 42; Abboud, 12; Hefner, 19; Dierks, 40; L. Johnson, 15; Schrock, 39; Moore, 24; Haberman, 44; Robak, 22; Rogers, 41; Byars, 30; Smith, 33; Coordsen, 32; Lamb, 43; Beyer, 3; Kristensen, 37; R. Johnson, 34; Wickersham, 49; Hillman, 48.

A BILL FOR AN ACT relating to handguns; to require a criminal history record check prior to sale or delivery of a handgun as prescribed; to provide procedures;

to provide duties for the Nebraska State Patrol; to exempt certain activities; to create offenses and provide penalties; and to provide operative dates.

LEGISLATIVE BILL 802. Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to the Nebraska State Patrolmen's Retirement System; to amend section 81-2016, Reissue Revised Statutes of Nebraska, 1943, and sections 81-2017, 81-2025, and 81-2026, Revised Statutes Supplement, 1990; to change provisions relating to membership in the system and certain benefits; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 804. Introduced by Hartnett, 45; Will, 8.

A BILL FOR AN ACT relating to economic development; to amend sections 77-2715.07 and 77-2734.03, Reissue Revised Statutes of Nebraska, 1943; to state intent; to define a term; to provide powers and duties for the Department of Economic Development and urban enterprise associations; to provide for the designation of enterprise zones; to provide procedures and conditions; to create urban enterprise associations; to provide for rules and regulations; to authorize exemptions from certain ordinances as prescribed; to provide certain tax credits; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 805. Introduced by Hall, 7; Will, 8; Bernard-Stevens, 42.

A BILL FOR AN ACT relating to lotteries; to amend sections 9-204, 9-312, 9-315, 9-402, 9-411, 9-415, 9-422, 9-502, 9-507, 9-509, 14-102, 15-258, 16-226, 17-120, 17-207, 28-1101, 28-1105, 28-1113, 49-506, 49-617, and 77-2704, Reissue Revised Statutes of Nebraska, 1943, and sections 9-1,104, 9-226, 9-322, 9-607, and 9-620, Revised Statutes Supplement, 1990; to adopt the State Lottery Act; to harmonize provisions; to provide an operative date; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 806. Introduced by Abboud, 12.

A BILL FOR AN ACT relating to Political Subdivisions Tort Claims Act; to amend section 13-919, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to the statute of limitations; and to repeal the original section.

LEGISLATIVE BILL 807. Introduced by Abboud, 12.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-1417.01, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the buyer's information form required for auction sales; and to repeal the original section.

LEGISLATIVE BILL 809. Introduced by Abboud, 12.

A BILL FOR AN ACT relating to political subdivisions; to prohibit the personal use of motor vehicles owned by political subdivisions; and to provide a penalty.

LEGISLATIVE BILL 811. Introduced by Abboud, 12; Lindsay, 9.

A BILL FOR AN ACT relating to the Administrative Procedure Act; to amend section 84-917, Revised Statutes Supplement, 1990; to change provisions relating to judicial review of contested cases; and to repeal the original section.

LEGISLATIVE BILL 812. Introduced by Abboud, 12.

A BILL FOR AN ACT relating to grand juries; to authorize state grand juries; to provide for impaneling a state grand jury; to provide powers and duties; and to provide for compensation of jurors.

LEGISLATIVE BILL 814. Introduced by Schmit, 23; Labedz, 5; Baack, 47; Warner, 25; Lynch, 13; Crosby, 29; Robak, 22; Chambers, 11.

A BILL FOR AN ACT relating to children; to state intent; and to adopt Civil Rights for Children.

LEGISLATIVE BILL 815. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to warrants; to amend section 29-411, Reissue Revised Statutes of Nebraska, 1943; to change procedures for issuance; to require identification of informants as prescribed; to provide requirements for applications for search warrants; and to repeal the original section.

LEGISLATIVE BILL 816. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to correctional services; to amend sections 83-1,107, 83-1,108, 83-1,109, 83-1,110, 83-1,118, 83-1,122, 83-1,123, and 83-1,125, Reissue Revised Statutes of Nebraska, 1943, and section 83-170, Revised Statutes Supplement, 1990; to define and redefine terms; to change and eliminate provisions relating to good time; to change a provision relating to parole revocation; to harmonize provisions; and to repeal the original sections, and also section 83-1,107.01, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 818. Introduced by Beutler, 28; Landis, 46; Wickersham, 49; Bernard-Stevens, 42; Rasmussen, 20; Morrissey, 1; Ashford, 6; Schimek, 27.

A BILL FOR AN ACT relating to picketing; to amend sections 28-1317 and 28-1318, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the offenses of unlawful and mass picketing; and to repeal the original sections.

LEGISLATIVE BILL 819. Introduced by Will, 8.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Supplement, 1990; to create an offense involving criminal street gang activities; to define a term; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 821. Introduced by Abboud, 12; Nelson, 35; Crosby, 29; Ashford, 6.

A BILL FOR AN ACT relating to product liability actions; to amend section 25-21,181, Reissue Revised Statutes of Nebraska, 1943; to provide for treatment of sellers and lessors as manufacturers for purposes of certain actions; and to repeal the original section.

LEGISLATIVE BILL 822. Introduced by Wesely, 26; Smith, 33.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Family Services Incentive Act for Communities.

LEGISLATIVE BILL 823. Introduced by Lynch, 13; Hall, 7.

A BILL FOR AN ACT relating to infants; to amend section 43-102, Reissue Revised Statutes of Nebraska, 1943, and section 43-107, Revised Statutes Supplement, 1990; to require a preplacement home study in certain adoption proceedings; and to repeal the original sections.

LEGISLATIVE BILL 823A. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 823, Ninety-second Legislature, First Session, 1991.

LEGISLATIVE BILL 824. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to State Capitol environs; to amend sections 90-302 and 90-303, Reissue Revised Statutes of Nebraska, 1943, and section 90-301, Revised Statutes Supplement, 1990; to rename an act; to change and authorize regulation of the Nebraska State Capitol Environs District; to authorize appeals of decisions; to require an annual report; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 826. Introduced by Crosby, 29; Wesely, 26.

A BILL FOR AN ACT relating to insurance; to adopt the Continuing Care Retirement Community Act.

LEGISLATIVE BILL 827. Introduced by R. Johnson, 34; Morrissey, 1; Schmit, 23.

A BILL FOR AN ACT relating to the Low-Level Radioactive Waste Disposal Act; to amend sections 81-1578, 81-15,101.01, 81-15,101.04, 81-15,104, 81-15,107, and 81-15,113.01, Revised Statutes Supplement, 1990; to change provisions relating to local monitoring committees; to provide powers and duties; to change a provision relating to the storage of certain waste; to change a provision relating to fees and surcharges; to change provisions relating to certain appeals; to provide procedures in case of release; to harmonize provisions; to provide severability; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 827A. Introduced by R. Johnson, 34.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 827, Ninety-second Legislature, First Session, 1991; and to declare an emergency.

LEGISLATIVE BILL 828. Introduced by Wesely, 26; Warner, 25.

A BILL FOR AN ACT relating to Morrill Hall; to authorize continued renovation; to appropriate funds for exhibit renovation as prescribed; and to require matching nonstate funds.

LEGISLATIVE BILL 832. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to the Department of Public Institutions; to adopt the Mental Retardation and Developmental Disabilities Salary Enhancement Act.

LEGISLATIVE BILL 833. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to developmental disabilities; to adopt the Mental Retardation and Developmental Disabilities Comprehensive Training Act; and to provide an operative date.

LEGISLATIVE BILL 834. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to developmental disabilities; to adopt the Community-Based Mental Retardation and Developmental Disabilities Personnel Certification Act; to state intent; to establish the Nebraska Center for Excellence in Training in Mental Retardation and Developmental Disabilities; to provide powers and duties; and to provide an operative date.

LEGISLATIVE BILL 835. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to insurance; to amend sections 44-4219, 44-4223, 44-4225, 44-4226, 44-4233, 77-908, and 77-913, Reissue Revised Statutes of Nebraska, 1943, and sections 44-4216 and 44-4227, Revised Statutes Supplement, 1990; to change provisions relating to the Comprehensive Health Insurance Pool board, the board's plan of operation, the selection of an administering insurer, assessments, major medical expense coverage, the calculation of risk rates, member limited liability, and taxes on premiums; to provide for studies; and to repeal the original sections.

LEGISLATIVE BILL 835A. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 835, Ninety-second Legislature, First Session, 1991.

LEGISLATIVE BILL 839. Introduced by R. Johnson, 34, at the request of the Governor.

A BILL FOR AN ACT relating to solid waste; to adopt the Regional Waste Disposal Act; and to provide severability.

LEGISLATIVE BILL 848. Introduced by Speaker Baack, 47, at the request of the Governor.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2602, Reissue Revised Statutes of Nebraska, 1943; to adopt the Correctional Facilities Construction Fund Act; to change distribution of the cigarette tax; to provide severability; and to repeal the original section.

LEGISLATIVE BILL 849A. Introduced by Will, 8.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 849, Ninety-second Legislature, First Session, 1991.

CARRYOVER RESOLUTIONS

LEGISLATIVE RESOLUTION 2. Introduced by Landis, 46.

WHEREAS, the Legislature of Nebraska in its 1976 session passed a resolution requesting a federal Constitutional Convention limited to the adoption of a balanced budget amendment; and

WHEREAS, legal opinions suggest that there is no limitation on changes that may be made to the constitution when a Constitutional Convention is convened and that any changes the delegates desire may be adopted; and

WHEREAS, there has only been one Constitutional Convention in our country's history, and the constitution then in effect was discarded and our present constitution written although the purpose of the convention was to amend the constitution not to eliminate it; and

WHEREAS, the restriction placed on the Constitutional Convention can be ignored.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature hereby withdraws its request for a Constitutional Convention.
2. That the State of Nebraska hereby requests that its name be removed from the present document calling for a Constitutional Convention.
3. That the Clerk of the Legislature transmit a copy of this resolution to the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, each member of the Nebraska Congressional delegation, the Secretaries of State and the Legislatures of each of the several states, and the Secretary of State for the State of Nebraska.

LEGISLATIVE RESOLUTION 4CA. Introduced by Hefner, 19; Warner, 25; L. Johnson, 15.

A Resolution to propose an amendment to the Constitution of Nebraska by adding a new section 19 to Article XV.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, FIRST SESSION:

Section 1. That at the general election in November 1992 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska by adding a new section 19 to Article XV, which is hereby proposed by the Legislature:

CXV-19 "No money derived from sales or use taxes imposed by the state on motor vehicles, trailers, or semitrailers or from fees, excises, or license fees imposed by the state relating to the registration, ownership, operation, or use of vehicles on the public highways, roads, or streets or to fuels used for the propulsion of such vehicles shall be expended for any purpose other than the cost of administering laws under which such money is derived, statutory refunds and adjustments provided therein, the payment of highway obligations, including highway construction bonds authorized by Article XIII, section 1, of this Constitution, and the cost of construction, reconstruction, maintenance, and repair of public highways and bridges and county, city, township, and village roads, streets, bridges, public transportation services, and offstreet public parking. This section shall not apply to money derived from motor vehicle operator's license fees.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"A constitutional amendment to provide that the net proceeds from highway use taxes, including motor vehicle license fees, motor vehicle fuel taxes, and motor vehicle sales or use taxes imposed by the state shall be used only for the purpose of construction, reconstruction, repair, and maintenance of highways, streets, roads, and bridges and the payment of highway obligations, including highway construction bonds.

For

Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

LEGISLATIVE RESOLUTION 6CA. Introduced by Will, 8; Hall, 7.

A Resolution to propose an amendment to the Constitution of Nebraska by amending Article VII, section 10.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, FIRST SESSION:

Section 1. That at the general election in November 1992 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska by amending Article VII, section 10, which is hereby proposed by the Legislature:

CVII-10 "The general government of the University of Nebraska shall~~, under the direction of the Legislature, be vested in a board~~ be administered by a board, subject to such direction as the Coordinating Commission for Postsecondary Education and the Legislature shall provide, of not less than six nor more than eight regents to be designated the Board of Regents of the University of Nebraska, who shall be ~~elected from and by~~ appointed by the Governor, with the approval of a majority of the Legislature, from districts ~~as herein~~ provided in this section and three students of the University of Nebraska who shall serve as nonvoting members. Such nonvoting student members shall consist of the student body president of the University of Nebraska at Lincoln, the student body president of the University of Nebraska at Omaha, and the student body president of the University of Nebraska Medical Center. The terms of office of ~~elected~~ appointed members shall be ~~for six years each~~ four years, except that of the members initially appointed four members shall be appointed for two-year terms as designated by the Governor. The terms of office of student members shall be for the period of service as student body president. Their duties and powers shall be prescribed by law, ~~;~~ and they shall receive no compensation~~;~~ but may be reimbursed their actual expenses incurred in the discharge of their duties.

The Legislature shall divide the state, along county lines, into as many compact regent districts~~;~~ as there are regents provided by the Legislature, of approximately equal population, which shall be numbered consecutively.

The Legislature shall redistrict the state after each federal decennial census. Such districts shall not be changed except upon the concurrence of a majority of the members of the Legislature. In any such redistricting, county lines shall be followed whenever practicable, but other established lines may be followed at the discretion of the Legislature. Whenever the state is so redistricted, the members ~~elected~~ appointed prior to the redistricting shall continue in office, and the law providing for such redistricting shall where necessary specify the newly established district which they shall represent for the balance of their term.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"A constitutional amendment to place the Board of Regents of the University of Nebraska under the direction of the Coordinating Commission for Postsecondary

Education and the Legislature and to provide that regents be appointed by the Governor for four-year terms.

For

Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

LEGISLATIVE RESOLUTION 7CA. Introduced by Wesely, 26; Chizek, 31; Chambers, 11.

A Resolution to propose an amendment to the Constitution of Nebraska by amending Article V, section 21.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, FIRST SESSION:

Section 1. That at the general election in November 1992 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska by amending Article V, section 21, which is hereby proposed by the Legislature:

CV-21 "(1) In the case of any vacancy in the Supreme Court, ~~or~~ in any district court, or in such other court or courts made subject to this provision by law, such vacancy shall be filled by the Governor from a list of at least two nominees presented to him or her by the appropriate judicial nominating commission. If the Governor ~~shall fail~~ fails to make an appointment from the list within sixty days from the date it is presented, ~~to him,~~ the appointment shall be made by the Chief Justice or the acting Chief Justice of the Supreme Court from the same list. Appointments shall be subject to the approval of a majority of the members of the Legislature if the Legislature is in session. If the Legislature is not in session, the appointment shall be considered temporary until the next session of the Legislature, at which time a majority of the members of the Legislature may approve or disapprove the appointment. No person rejected by the Legislature shall be nominated for the same office at the same session of the Legislature unless at the request of the Legislature, and no person rejected by the Legislature shall be appointed to the same office during the recess or adjournment of the Legislature.

(2) In all other cases, any vacancy shall be filled as provided by law.

(3) At the next general election following the expiration of three years from the date of appointment of any judge under the provisions of subsection (1) of this section and every six years thereafter as long as such judge retains office, each ~~Justice or Judge~~ judge of the Supreme Court, the ~~or~~ district court, or such other court or courts as the Legislature ~~shall provide~~ provides shall have his or her right to remain in office subject to approval or rejection by the electorate in such manner as the Legislature ~~shall provide; PROVIDED,~~ provides, except that every judge holding or elected to an office described in subsection (1) of this section on the effective date of this amendment, whether by election or appointment, upon qualification shall be deemed to have been selected and to have once received the approval of the electorate as ~~herein~~ provided~~;~~ in this section and shall be required to submit his or her right to continue in office to the approval or rejection of the electorate at the general election next preceding the expiration of the term of office for which such judge was elected or appointed~~;~~ and every six years thereafter. In the case of the Chief Justice of the Supreme Court, the electorate of the entire state shall vote on the question of approval or rejection. In the case of any ~~Judge~~ judge of the Supreme Court, other than the Chief Justice, and any judge of the district court or any other court made subject to subsection (1) of this section, the electorate of the district from which such judge was selected shall vote on the question of such approval or rejection.

(4) There shall be a judicial nominating commission for the Chief Justice of the Supreme Court and one for each judicial district of the Supreme Court and of the

district court and one for each area or district served by any other court made subject to subsection (1) of this section by law. Each judicial nominating commission shall consist of nine members, one of whom shall be a ~~Judge~~ judge of the Supreme Court who shall be designated by the Governor and shall act as ~~chairman,~~ chairperson but shall not be entitled to vote. The members of the bar of the state residing in the area from which the nominees are to be selected shall designate four of their number to serve as members of ~~said~~ the commission, and the Governor shall appoint four citizens, not admitted to practice law before the courts of the state, from among the residents of the same geographical area to serve as members of ~~said~~ the commission. Not more than four of such voting members shall be of the same political party. The terms of office for members of each judicial nominating commission shall be staggered and shall be fixed by the Legislature. The nominees of any such commission cannot include a member of such commission or any person who has served as a member of such commission within a period of two years immediately preceding his or her nomination or for such additional period as the Legislature ~~shall provide~~ provides. The names of candidates shall be released to the public prior to a public hearing.

(5) Members of the nominating commission shall vote for the nominee of their choice by roll call. Each candidate must receive a majority of the voting members of the nominating commission to have his or her name submitted to the Governor.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"A constitutional amendment to require legislative confirmation of judicial appointments.
For
Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

LEGISLATIVE RESOLUTION 8CA. Introduced by Schmit, 23.

A Resolution to propose an amendment to the Constitution of Nebraska by amending Article VII, sections 7 and 9.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, FIRST SESSION:

Section 1. That at the general election in November 1992 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska by amending Article VII, sections 7 and 9, which is hereby proposed by the Legislature:

CVII-7 "The following are hereby declared to be perpetual funds for common school purposes of which the annual interest or income only can be appropriated, to wit:

~~First.~~ (1) Such ~~per cent~~ percent as has been, or may hereafter be, granted by Congress on the sale of lands in this state; ~~.~~

~~Second.~~ (2) All money arising from the sale or leasing of sections number sixteen and thirty-six in each township in this state~~,~~ and the lands selected~~,~~ or that may be selected~~,~~ in lieu thereof; ~~.~~

~~Third.~~ (3) The proceeds of all lands that have been~~,~~ or may hereafter be~~,~~ granted to this state, ~~where~~ which proceeds by the terms and conditions of such grant ~~the same~~ are not to be otherwise appropriated; ~~.~~

~~Fourth.~~ (4) The net proceeds of lands and other property and effects that may come to this state~~,~~ by escheat or forfeiture~~,~~ or from unclaimed dividends~~,~~ or distributive shares of the estates of deceased persons; ~~.~~

~~Fifth.~~ (5) Five percent of the income received each year on investment of the proceeds from leases of lands under the management of the Board of Educational Lands and Funds; and

(6) All other property of any kind now belonging to the perpetual fund."

CVII-9 "The following funds shall be exclusively used for the support and maintenance of the common schools in each school district in the state as the Legislature shall provide:

~~a.~~ (1) Income arising from the perpetual funds;

~~b.~~ (2) The income from the unsold school lands, except that (a) costs of administration shall be deducted from the income before it is so applied and (b) five percent of such income received each year shall be deducted from such income before it is so applied and shall be deposited in the perpetual fund;

~~c.~~ (3) All other grants, gifts, and devises that have been or may hereafter be made to the state which are not otherwise appropriated by the terms of the grant, gift, or devise; and

~~d.~~ (4) Such other support as the Legislature may provide.

No distribution or appropriation shall be made to any school district for the year in which school is not maintained for the minimum term required by law.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"A constitutional amendment to provide for depositing five percent of the annual investment income from the sale or lease of educational lands into the permanent school fund.

For

Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

LEGISLATIVE RESOLUTION 9CA. Introduced by Smith, 33; Cudaback, 36; R. Johnson, 34; Rogers, 41; Rasmussen, 20.

A Resolution to propose an amendment to the Constitution of Nebraska by adding a new section 19 to Article XV.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, FIRST SESSION:

Section 1. That at the general election in November 1992 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska by adding a new section 19 to Article XV, which is hereby proposed by the Legislature:

CXV-19 "Notwithstanding any other provision of this Constitution, the governing bodies of municipalities and counties are empowered to approve or deny retail and bottle club liquor licenses within their jurisdictions as authorized by the Legislature. A liquor license shall not constitute property, an entitlement, or any interest therein and shall be merely a personal privilege.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"A constitutional amendment to authorize governing bodies of municipalities and counties to approve or deny retail and bottle club liquor licenses within their jurisdictions as authorized by the Legislature and to provide that a liquor license is a personal privilege and not property, an entitlement, or an interest therein.

For

Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

LEGISLATIVE RESOLUTION 15CA. Introduced by Warner, 25.

A Resolution to propose amendments to the Constitution of Nebraska by adding a new section 19 to Article XV.

WHEREAS, in 1974 the United States Supreme Court in Roe v. Wade held that government had no compelling interest to interfere with a woman's fundamental right to have an abortion in the early stages of pregnancy and that laws restricting or criminalizing such right were unconstitutional; and

WHEREAS, in 1989 the United States Supreme Court in Webster v. Reproductive Health Services held that government could enact certain laws restricting a woman's access to or practical ability to obtain an abortion at any stage of pregnancy; and

WHEREAS, one position is that every person should be free from undue governmental interference with fundamental rights, that one of those fundamental rights is the right to control private decisions, that private decisions include decisions regarding reproduction, childbearing, and one's own health and body, and that government should not intrude on these private decisions until such time as those decisions affect the life and health of a viable fetus; and

WHEREAS, one position is that the life of a human being begins at the moment of conception, that such human life is from that moment entitled to the same legal and medical protection as the life of any other human being at other stages of biological development, that abortion at any stage of pregnancy is the death of a human life which should be prohibited by law and have the attendant legal consequences of the death of a human life, and that, consistent with the recognition of the legal status of a fetus as a human being, the ability of a woman to have an abortion should be restricted as much as possible; and

WHEREAS, due to the extensive and polarizing public and legislative debate on this issue, the issue should be submitted to the voters of Nebraska as two alternative constitutional amendments in order for the Legislature to secure guidance as to the type of legislation appropriate to resolving this issue in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, FIRST SESSION:

Section 1. That at the general election in November 1992 there shall be submitted to the electors of the State of Nebraska for approval the following amendments to the Constitution of Nebraska, by adding a new section 19 to Article XV, which are hereby proposed by the Legislature:

CXV-19 "No law shall interfere with the right of a woman to choose or refuse to terminate her pregnancy, except that the Legislature may enact reasonable legislation to preserve the life or health of the woman or a fetus more than three months old. This amendment shall be paramount to any other amendment on the same subject which may be adopted at the same election with a fewer number of affirmative votes than this amendment."

CXV-19 "The planned termination of the pregnancy of any woman shall be unlawful except to preserve the life or health of the woman or to increase the probability of the live birth of a fetus. This amendment shall be paramount to any other amendment on the same subject which may be adopted at the same election with a fewer number of affirmative votes than this amendment.".

Sec. 2. That the proposed amendments shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1. The propositions for the submission of the proposed amendments shall be placed upon the ballot in the following form:

"A constitutional amendment to provide that no law shall interfere with the right of a woman to choose or refuse to terminate her pregnancy, except that the Legislature may enact reasonable legislation to preserve the life or health of the woman or a fetus more than three months old.
For
Against"
"A constitutional amendment to provide that the planned termination of the pregnancy of any woman shall be unlawful except to preserve the life or health of the woman or to increase the probability of the live birth of a fetus.
For
Against".

Sec. 3. That either of the proposed amendments, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

LEGISLATIVE RESOLUTION 17CA. Introduced by Hartnett, 45.

A Resolution to propose an amendment to the Constitution of Nebraska by amending Article XV, section 6.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, FIRST SESSION:

Section 1. That at the general election in November 1992 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska by amending Article XV, section 6, which is hereby proposed by the Legislature:

CXV-6 "The right to divert unappropriated waters of every natural stream for beneficial use shall never be denied except when such denial is demanded by the public interest. Priority of appropriation shall give the better right as between those using the water for the same purpose, but when the waters of any natural stream are not sufficient for the use of all those desiring to use the ~~same~~ water, those using the water for domestic purposes shall have preference over those claiming it for any other purpose, those using the water for municipal purposes shall have preference over those claiming it for any other purpose except domestic, and those using the water for agricultural purposes shall have the preference over those using ~~the same~~ it for manufacturing purposes. No ~~PROVIDED, no~~ inferior right to the use of the waters of this state shall be acquired by a superior right without just compensation therefor to the inferior user.

Preference in the use of underground water shall be given to those using the water for domestic purposes. They shall have preference over those claiming it for any other purpose. Those using the water for municipal purposes shall have preference over those claiming it for any other purpose except domestic. Those using the water for agricultural purposes shall have the preference over those using the same for manufacturing or industrial purposes.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"A constitutional amendment to establish a preference in the use of waters of any natural stream for those using the water for municipal purposes over those claiming it for any other purpose except domestic and to establish preferences in the use of underground water.
For
Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

LEGISLATIVE RESOLUTION 18CA. Introduced by Hall, 7.

A Resolution to propose an amendment to the Constitution of Nebraska by amending Article III, section 24.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, FIRST SESSION:

Section 1. That at the general election in November 1992 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska by amending Article III, section 24, which is hereby proposed by the Legislature:

CIII-24 "(1) The Legislature shall not authorize any game of chance~~, nor~~ or any lottery~~;~~ or gift enterprise when the consideration for a chance to participate involves the payment of money for the purchase of property, services, or a chance or admission ticket or requires an expenditure of substantial effort or time, except that ~~it~~ the Legislature may authorize and regulate other lotteries, raffles, and gift enterprises which are intended solely as business promotions or the proceeds of which are to be used solely for charitable or community betterment purposes without profit to the promoter of such lotteries, raffles, or gift enterprises.

(2) The Legislature shall establish a state lottery system to generate revenue in a manner consistent with contemporary gaming operating practices and technology. The Legislature shall establish a commission to supervise and administer the state lottery system and to perform other duties as directed by the Legislature. The commission shall be composed of seven members. The Governor shall appoint, with the approval of a majority of the Legislature, one member from each congressional district. Each of such members shall be appointed for a four-year term, except that the terms of the initial appointees may be staggered as designated by the Legislature. The Governor, the State Treasurer, the Tax Commissioner, and the executive director of the commission shall also be members of the commission. The Governor shall be the chairperson of the commission. The members shall be reimbursed for their actual and necessary expenses. The Governor shall appoint the executive director of the commission with the approval of a majority of the Legislature. Revenue resulting from operation of the state lottery system shall be distributed as directed by the Legislature.

(3) Nothing in this section shall be construed to prohibit (a) the enactment of laws providing for the licensing and regulation of wagering on the results of horseraces, wherever run, either within or outside of the state, by the parimutuel method, when such wagering is conducted by licensees within a licensed racetrack enclosure~~;~~ or (b) ~~to prohibit~~ the enactment of laws providing for the licensing and regulation of bingo games conducted by nonprofit associations which have been in existence for a period of five years immediately preceding the application for license, except that bingo games cannot be conducted by agents or lessees of such associations on a percentage basis.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"A constitutional amendment to provide for a state lottery system and a commission and executive director to supervise and administer the system.
For
Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

LEGISLATIVE RESOLUTION 20CA. Introduced by Wesely, 26; Baack, 47.

A Resolution to propose an amendment to the Constitution of Nebraska by amending Article III, section 10.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, FIRST SESSION:

Section 1. That at the general election in November 1992 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska by amending Article III, section 10, which is hereby proposed by the Legislature:

CIII-10 "~~Beginning with the year 1975, regular~~ Regular sessions of the Legislature shall be held ~~annually, commencing~~ for ninety and sixty days on an alternating basis. Beginning December 1, 1992, ninety-day sessions shall commence at 10 a.m. on the fifth Wednesday after the general election in each even-numbered year and sixty-day sessions shall commence at 10 a.m. on the first Wednesday after the first Monday in January of each even-numbered year. Commencing in 1992 the terms of members of the Legislature shall commence on the first day of the regular ninety-day legislative session and the preceding terms shall terminate on such date. The duration of regular sessions held shall not exceed ninety or sixty legislative days, respectively, ~~in odd-numbered years~~ unless extended by a vote of four-fifths of all members elected or appointed to the Legislature. ~~, and shall not exceed sixty legislative days in even-numbered years unless extended by a vote of four-fifths of all members elected to the Legislature.~~ Bills and resolutions under consideration by the Legislature upon adjournment of a ~~regular~~ ninety-day session ~~held in an odd-numbered year~~ may be considered at the next regular sixty-day session~~,~~ as if there had been no such adjournment. The Lieutenant Governor shall preside~~,~~ but shall vote only when the Legislature is equally divided. A majority of the members elected or appointed to the Legislature shall constitute a quorum. The ~~; the~~ Legislature shall determine the rules of its proceedings and be the judge of the election, returns, and qualifications of its members, shall choose its own officers, including a Speaker to preside when the Lieutenant Governor shall be absent, incapacitated, or shall act as Governor. No member shall be expelled except by a vote of two-thirds of all members elected or appointed to the Legislature, and no member shall be twice expelled for the same offense. The Legislature may punish by imprisonment any person not a member thereof who ~~shall be~~ is guilty of disrespect to the Legislature by disorderly or contemptuous behavior in its presence, but no such imprisonment shall extend beyond twenty-four hours at one time, unless the person ~~shall persist~~ persists in such disorderly or contemptuous behavior.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"A constitutional amendment to change the date on which the Legislature convenes in regular ninety-day sessions and on which terms of members shall commence.

For

Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

LEGISLATIVE RESOLUTION 186CA. Introduced by Baack, 47; Hall, 7; Hillman, 48; Wickersham, 49; Withem, 14; Schimek, 27; Smith, 33; Schrock, 39; Beutler, 28; Robak, 22; Nelson, 35; Schellpeper, 18; Dierks, 40; Byars, 30; Warner, 25; Hartnett, 45; Coordsen, 32; Landis, 46; Wesely, 26; Horgan, 4, at the request of the Governor.

A Resolution to propose amendments to the Constitution of Nebraska by amending Article VIII, sections 1 and 2, and by adding a new section 13 to Article VIII.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, FIRST SESSION:

Section 1. That at a special election on August 6, 1991, there shall be submitted to the electors of the State of Nebraska for approval the following amendments to the Constitution of Nebraska by amending Article VIII, sections 1 and 2, and by adding a new section 13 to Article VIII, which are hereby proposed by the Legislature:

CVIII-1 "The necessary revenue of the state and its governmental subdivisions shall be raised by taxation in such manner as the Legislature may direct. ~~Taxes~~ Except as provided in this article, taxes shall be levied by valuation uniformly and proportionately upon all ~~tangible~~ real property and franchises. ~~, except that: (1) The Legislature may provide for a different method of taxing motor vehicles and may also establish a separate class of motor vehicles consisting of those owned and held for resale by motor vehicle dealers which shall be taxed in the manner and to the extent provided by the Legislature and may also establish a separate class for trucks, trailers, semitrailers, truck-tractors, or combinations thereof, consisting of those owned by residents and nonresidents of this state, and operating in interstate commerce, and may provide reciprocal and proportionate taxation of such vehicles; PROVIDED, that such tax proceeds from motor vehicles taxed in each county shall be allocated to the state, counties, townships, cities, villages, and school districts of such county in the same proportion that the levy of each bears to the total levy of the county on personal tangible property; and (2) the~~ The Legislature may provide that agricultural land and horticultural land, as defined by the Legislature, shall constitute a separate and distinct class of property for purposes of taxation and may provide for a different method of taxing agricultural land and horticultural land which results in values that are not uniform and proportionate with all other ~~tangible~~ real property and franchises but which results in values that are uniform and proportionate upon all property within the class of agricultural land and horticultural land. The Legislature may enact laws to provide that the value of land actively devoted to agricultural or horticultural use shall for property tax purposes be that value which such land has for agricultural or horticultural use without regard to any value which such land might have for other purposes or uses and may prescribe standards and methods for the determination of the value of ~~real or other tangible property~~ land at uniform and proportionate values. Notwithstanding any other provision of this Constitution, tangible personal property, as defined by the Legislature, unless exempt by this Constitution or by legislation enacted pursuant to this article, shall be subject to tax in whole or in part by valuation or otherwise in such manner as the Legislature may direct. Taxes uniform as to class of property or the ownership or use thereof may be levied by valuation or otherwise upon classes of intangible property as the Legislature may determine, and such intangible property held in trust or otherwise for the purpose of funding pension, profit-sharing, or other employee benefit plans as defined by the Legislature may be declared exempt from taxation. Taxes other than property taxes may be authorized by law. Existing revenue laws shall continue in effect until changed by the Legislature. The Legislature may provide that livestock shall constitute a separate and distinct class of property for purposes of taxation and may further provide for reciprocal and proportionate taxation of livestock located in this state for only part of a year. The Legislature may provide for a different method of taxing motor vehicles and may also establish a separate class of motor vehicles consisting of those owned and held for resale by motor vehicle dealers which shall be taxed in the manner and to the extent provided by the Legislature and may also establish a separate class for trucks, trailers, semitrailers, truck-tractors, or combinations thereof, consisting of those owned by residents and nonresidents of this state, and operating in interstate commerce, and may provide reciprocal and proportionate taxation of such vehicles; PROVIDED, that such tax proceeds from motor vehicles taxed in each county shall be allocated to the counties, townships, cities, villages, and school districts of such county in the same proportion that the levy of each bears to the total levy of the county on taxable property."

CVIII-2 "The property of the state and its governmental subdivisions shall be exempt from taxation. The Legislature by general law may exempt from taxation property owned by and used exclusively for agricultural and horticultural societies, and property owned and used exclusively for educational, religious, charitable, or cemetery purposes, when such property is not owned or used for financial gain or profit to either the owner or user. Household goods and personal effects, as defined by law, may be exempted from taxation in whole or in part, as may be provided by general law, and the Legislature may prescribe a formula for the determination of value of household goods and personal effects. The Legislature by general law may provide that the increased value of land by reason of shade or ornamental trees planted along the highway shall not be taken into account in the assessment of such land. The Legislature by general law and upon any terms, conditions, and restrictions it prescribes, may provide that the increased value of real property resulting from improvements designed primarily for energy conservation may be exempt from taxation. The value of a home substantially contributed by ~~the Veterans' Administration of~~ the United States Department of Veterans Affairs for a paraplegic veteran or multiple amputee shall be exempt from taxation during the life of such veteran or until the death or remarriage of his ~~widow or her remarriage~~ or her surviving spouse. The Legislature may exempt from an intangible property tax life insurance and life insurance annuity contracts and any payment connected therewith and any right to pension or retirement payments. ~~The~~ Notwithstanding any other provision of this Constitution, the Legislature may classify personal property in such manner as it sees fit~~;~~ and may exempt any ~~of~~ such class or classes~~;~~ or ~~may~~ exempt all personal property from taxation. No real property shall be exempt from taxation except as provided in this ~~the~~ Constitution. The Legislature may by general law provide that a portion of the value of any residence actually occupied as a homestead by any classification of owners as determined by the Legislature shall be exempt from taxation."

CVIII-13 "Each exemption from taxation by valuation of tangible personal property which is or has been granted by the Legislature shall terminate on January 1, 2003, unless extended by the Legislature for a period of ten years or less in the biennium prior to such date. Each such exemption and any new exemption from taxation by valuation of tangible personal property granted since the last extension shall terminate every ten years, or a lesser number of years set by the Legislature, after the last termination date unless extended by the Legislature for another ten years or less. Nothing in this section shall be construed to affect the authority of the Legislature to enact or repeal exemptions from taxation.".

Sec. 2. That the proposed amendments shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1. The propositions for the submission of the proposed amendments shall be placed upon the ballot in the following forms:

"A constitutional amendment to remove personal property from provisions requiring that taxes be levied by valuation uniformly and proportionately and to authorize the Legislature to provide for the taxation of tangible personal property in such manner as the Legislature may direct.
For
Against".

"A constitutional amendment to provide for termination and extension of exemptions from taxation by valuation of tangible personal property.
For
Against".

Sec. 3. That either of the proposed amendments, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it or them as a part of the Constitution of Nebraska.

FIRST DAY - JANUARY 8, 1992

LEGISLATIVE JOURNAL

NINETY-SECOND LEGISLATURE SECOND SESSION

FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 8, 1992

Pursuant to the provisions of Section 10, Article III of the Constitution of Nebraska, the Ninety-Second Legislature, Second Session of the Legislature of Nebraska, assembled in Legislative Hall of the Capitol Building at the hour of 10:00 a.m., on Wednesday, January 8, 1992, and was called to order by President Moul.

PRAYER

The prayer was offered by Rev. Harland Johnson, Chaplain Coordinator.

PRESENTATION OF COLORS

Presentation of Colors by the Nebraska National Guard.

ROLL CALL

The roll was called and the following members were present:

Abboud, Chris
Ashford, Brad
Baack, Dennis
Bernard-Stevens, David F.
Beutler, Chris
Beyer, Emil E., Jr.
Bohlke, Ardyce L.
Byars, Dennis M.
Chambers, Ernie
Chizek, Jerry
Conway, Gerald
Coordsen, George
Crosby, LaVon
Cudaback, Jim D.
Dierks, Merton L.
Elmer, W. Owen
Haberman, Rex S.
Hartnett, D. Paul
Hefner, Elroy M.
Hillman, Joyce
Horgan, Thomas R.
Johnson, Rod
Kristensen, Doug
Labedz, Bernice
Lamb, Howard A.
Landis, David M.
Lindsay, John C.
Lynch, Daniel C.
Moore, Scott
Morrissey, Spencer W.
Nelson, Arlene
Peterson, Richard
Pirsch, Carol McBride
Rasmussen, Jessie K.
Robak, Jennie
Robinson, C. N. Bud

Rogers, Carson
Schellpeper, Stan
Schimek, DiAnna R.
Schmit, Loran
Schrock, Edward
Warner, Jerome
Wehrbein, Roger R.
Wesely, Don
Wickersham, William R.
Will, Eric
Withem, Ron

Messrs. Timothy J. Hall and Lowell C. Johnson were excused.

MOTION - Adopt Temporary Rules

Mr. Lynch moved that the Rules, as now in our possession, be adopted for today only, Wednesday, January 8, 1992.

The motion prevailed.

CERTIFICATE

State of Nebraska

United States of America,)
) ss. Department of State
State of Nebraska)

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that the attached is a true and correct copy of the Official Roster of members of the Nebraska Unicameral Legislature elected or appointed to serve in the Ninety-second Legislature, Second Session (Regular), 1992.

Further, I hereby certify that the members so listed on the Official Roster attached hereto are the duly elected or appointed members of the Unicameral Legislature in the State of Nebraska for the Ninety-second Legislature, Second Session (Regular), 1992.

Finally, I hereby certify that all election returns, abstracts, canvass and appointment records with reference to said members are on file in the office of the Secretary of State and are a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this eighth day of January in the year of our Lord, one thousand nine hundred and ninety-two.

(SEAL) Allen J. Beermann, Secretary of State

DISTRICT	NAME	ELECTED
1	Spencer W. Morrissey	November 8, 1988
2	Roger R. Wehrbein	November 6, 1990
3	Emil E. Beyer, Jr.	November 8, 1988
4	Thomas R. Horgan	November 6, 1990
5	Bernice Koziol Labedz	November 8, 1988
6	Brad Ashford	November 6, 1990
7	Tim Hall	November 8, 1988
8	Eric Will	November 6, 1990
9	John C. Lindsay	November 8, 1988
10	Carol McBride Pirsch	November 6, 1990
11	Ernie Chambers	November 8, 1988
12	Chris Abboud	November 6, 1990
13	Daniel C. Lynch	November 8, 1988
14	Ron Withem	November 6, 1990
15	Lowell C. Johnson	November 8, 1988
16	C. N. Bud Robinson	November 6, 1990
17	Gerald Conway	November 8, 1988
18	Stan Schellpeper	November 6, 1990
19	Elroy M. Hefner	November 8, 1988
20	Jessie K. Rasmussen	November 6, 1990
21	Richard Peterson	November 8, 1988
22	Jennie Robak	November 6, 1990
23	Loran Schmit	November 8, 1988
24	Scott Moore	November 6, 1990
25	Jerome Warner	November 8, 1988
26	Don Wesely	November 6, 1990
27	DiAnna R. Schimek	November 8, 1988
28	Chris Beutler	November 6, 1990
29	LaVon Crosby	November 8, 1988
30	Dennis M. Byars	November 6, 1990
31	Jerry Chizek	November 8, 1988
32	George Coordsen	November 6, 1990
33	Ardyce L. Bohlke	Appointed 7-1-91 ***
34	Rod Johnson	November 6, 1990
35	Arlene Nelson	November 8, 1988
36	Jim D. Cudaback	November 6, 1990
37	Doug Kristensen	November 8, 1988
38	W. Owen Elmer	November 6, 1990
39	Edward Schrock	Appointed 12-31-90 *
40	Merton L. Dierks	November 6, 1990
41	Carson Rogers	November 8, 1988

42	David F. Bernard-Stevens	November 6, 1990
43	Howard A. Lamb	November 8, 1988
44	Rex S. Haberman	November 6, 1990
45	D. Paul Hartnett	November 8, 1988
46	David M. Landis	November 6, 1990
47	Dennis Baack	November 8, 1988
48	Joyce Hillman	November 6, 1990
49	William R. Wickersham	Appointed 1-9-91 **

*Appointed 12-31-90 to replace William E. Barrett (resigned)
**Appointed 1-9-91 to replace Sandra K. Scofield (resigned)
***Appointed 7-1-91 to replace Jacklyn J. Smith (resigned)

MESSAGES FROM THE GOVERNOR

July 22, 1991

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Board of Health, requiring legislative approval.

Appointee: Dr. Steven J. Bennett, 6 Centennial Lane, Kearney, NE 68847, (308) 236-5739 h, (308) 234-4516 w.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:fc

July 25, 1991

Madam President, Mr. Speaker
and Members of the Legislature

State Capitol Building
Lincoln, Nebraska 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Racing Commission, requiring legislative approval.

> Appointee: James Livingston, 2610 Cottonwood, Grand Island, NE 68801, (308) 384-6694 h, (308) 382-9244 w.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:fc

August 5, 1991

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Department of Health, requiring legislative confirmation.

> Appointee: Mark B. Horton, M.D., M.S.P.H., 1146 North 66th, Omaha, NE 68132, (402) 551-4552.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:bh

August 9, 1991

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Motor Vehicle Industry Licensing Board, requiring legislative approval.

Appointee: Ritchie C. Richardson, 3702 Third Av., Kearney, NE 68847, (308) 234-3702 h, (308) 236-7444 w.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:fc

August 9, 1991

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Motor Vehicle Industry Licensing Board, requiring legislative approval.

Appointee: Robert L. Spady, 1406 Lee Ct., North Platte, NE 69101, (308) 534-0826 h, (308) 532-1750 w.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:fc

August 9, 1991

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Motor Vehicle Industry Licensing Board, requiring legislative approval.

Appointee: Nathan L. Love, 15120 Douglas Circle, Omaha, NE 68154, (402) 334-7393 h, (913) 451-4050 w.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:fc

August 9, 1991

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Motor Vehicle Industry Licensing Board, requiring legislative approval.

Appointee: Robert McLaughlin, 11513 Ruggles, Omaha, NE 68164, (402) 493-0434 h, (402) 493-6000 w.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:fc

August 13, 1991

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Liquor Control Commission, requiring legislative approval.

> Appointee: Donald N. Dworak, 2973 N. Park Ln., Columbus, NE 68601, (402) 564-0494 h, (402) 564-2423 w.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:fc

August 29, 1991

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment as the State's compact commissioner on the Central States Low-Level Nuclear Waste Compact Commission, requiring legislative confirmation.

Appointee: Richard L. Coyne, 13405 Parker Circle, Omaha, NE 68154, (402) 493-7484.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:klf

September 4, 1991

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following reappointment to the Nebraska State Highway Commission, requiring legislative approval.

Appointee: Donna M. Wanitschke, 401 Pine St., PO Box 241, Doniphan, NE 68832, (402) 845-6565 h, (402) 845-6655 w.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:fc

September 4, 1991

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following reappointment to the Nebraska State Highway Commission, requiring legislative approval.

Appointee: John McLellan, Jr., PO Box 250, Gering, NE 69341, (308) 436-2248 h, (308) 436-5061 w.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:fc

September 4, 1991

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Educational Telecommunications Commission, requiring legislative approval.

Appointee: Judy Schweikart, 317 S. 57th St., Omaha, NE 68132, (402) 556-4102 h, (402) 346-6000 w.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:fc

September 19, 1991

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following reappointment to the Environmental Control Council, requiring legislative approval.

Appointee: Dr. Janet Bernard-Stevens, 1210 Hilltop Circle, North Platte, NE 69101, (308) 532-4679.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:fc

September 19, 1991

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following reappointment to the Environmental Control Council, requiring legislative approval.

Appointee: Fred E. Hlava, 136 N. Pine, Gordon, NE 69343.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:fc

September 19, 1991

Madam President, Mr. Speaker
and Members of the Legislature

State Capitol Building
Lincoln, Nebraska 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Environmental Control Council, requiring legislative approval.

> Appointee: Conrad J. Bohler, RR 1, Box 80, Orleans, NE 68966, (308) 928-2577.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:fc

September 19, 1991

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Environmental Control Council, requiring legislative approval.

> Appointee: Richard W. Sommer, HC7, Box 9A, Crawford, NE 69339, (308) 665-2328.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:fc

September 19, 1991

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Environmental Control Council, requiring legislative approval.

Appointee: Jack Dixon, 901 9th Street, Wisner, NE 68791, (402) 529-6763.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:fc

September 19, 1991

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Environmental Control Council, requiring legislative approval.

Appointee: Paul Fuhrer, 15318 California Street, Omaha, NE 68154, (402) 493-8732.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:fc

September 19, 1991

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Environmental Control Council, requiring legislative approval.

> Appointee: Dennis Heermann, 227 N. Howe Street, Valentine, NE 69201, (402) 376-3733.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:fc

September 19, 1991

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Environmental Control Council, requiring legislative approval.

> Appointee: Nancy J. Andrews, 9468 Jones Street, Omaha, NE 68224, (402) 397-6828.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:fc

September 19, 1991

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Game and Parks Commission, requiring legislative approval.

Appointee: Donald W. Forney, Forney Ranch, HC 69, Lakeside, NE 69351, (308) 327-2642.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:fc

October 9, 1991

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following reappointment to the State Modular Housing Advisory Board, requiring legislative approval.

Appointee: Roger A. Cross, 5020 Howard Blvd., Columbus, NE 68601, (402) 564-3515 h, (402) 564-6753 w.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:fc

October 9, 1991

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following reappointment to the State Modular Housing Advisory Board, requiring legislative approval.

Appointee: Gary Rickett, 715 S. Jeffers, North Platte, NE 69101, (308) 532-6487 h, (308) 534-7728 w.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:fc

October 9, 1991

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the State Personnel Board, requiring legislative approval.

Appointee: Carole Woods Harris, 5404 Ellison Av., Omaha, NE 68104-1729, (402) 451-5616.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:fc

October 9, 1991

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Arts Council, requiring legislative approval.

Appointee: Al Davis, OLO Ranch, Hyannis, NE 69350, (308) 458-2220.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:fc

October 9, 1991

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Arts Council, requiring legislative approval.

Appointee: Donna N. Williams, 1705 S. 91st Av., Omaha, NE 68124, (402) 391-4737.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:fc

October 9, 1991

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Railway Council, requiring legislative approval.

Appointee: Kenneth M. Lemke, Dept. of Economic Development, NE State Office Bldg., (402) 471-3111.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:fc

October 9, 1991

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Railway Council, requiring legislative approval.

Appointee: Larry Sitzman, Dept. of Agriculture, NE State Office Bldg., (402) 471-2341.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:fc

October 10, 1991

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Department of Aeronautics as Director, requiring legislative confirmation.

Appointee: Nancy Thompson, 1000 Perry Street, Papillion, NE 68128, (402) 331-7226.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:bh

October 23, 1991

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Arts Council, requiring legislative approval.

Appointee: Sonia M. Breslow, 9315 Tuscan Ct., Lincoln, NE 68520, (402) 489-5074.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:fc

October 24, 1991

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Board of Health, requiring legislative approval.

Appointee: Dr. Richard D. Fitzgerald, 9712 Charles St., Omaha, NE 68114, (402) 397-5805 h, (402) 551-1757 w.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:fc

October 24, 1991

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Board of Health, requiring legislative approval.

Appointee: Janel T. Foote, 1400 Heritage Dr., Hastings, NE 68901, (402) 463-3666 h, (402) 461-5137 w.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:fc

October 24, 1991

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Board of Health, requiring legislative approval.

Appointee: Dr. Richard Tempero, 717 Hackberry Av., Omaha, NE 68132, (402) 556-9311 h, (402) 330-8460 w.

This appointment is respectfully submitted for your consideration.

Sincerely,

(Signed) E. Benjamin Nelson
Governor

EBN:fc

November 5, 1991

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following reappointment to the Nebraska Board of Health, requiring legislative approval.

Appointee: Dr. Arthur A. Weaver, 16556 Dorcas St., Omaha, NE 68130, (402) 390-0900 w, (402) 333-2744 h.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:fc

November 14, 1991

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Rural Health Advisory Commission, requiring legislative approval.

Appointee: Faye Schellpeper, RR 2, Stanton, NE 68779, (402) 439-2907 h.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:fc

November 14, 1991

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Rural Health Advisory Commission, requiring legislative approval.

Appointee: Marcia M. Freer, 1424 Ivy Avenue, Crete, NE 68333, (402) 826-2946 h, (402) 826-8259 w.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:fc

November 14, 1991

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Rural Health Advisory Commission, requiring legislative approval.

> Appointee: Kathy Jo Skogstad, 206 W. 2nd Street, Gordon, NE 69343, (308) 282-2564 h, (308) 282-0806 w.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:fc

November 14, 1991

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Rural Health Advisory Commission, requiring legislative approval.

> Appointee: Roger D. Wells, 1518 Jay Street, St. Paul, NE 68873, (308) 754-4074 h, (308) 754-5424 w.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:fc

November 14, 1991

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Rural Health Advisory Commission, requiring legislative approval.

> Appointee: Dr. Michael Haller, 770 North 93rd, Omaha, NE 68114, (402) 391-3977 h, (402) 592-4400 w.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:fc

November 14, 1991

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Rural Health Advisory Commission, requiring legislative approval.

> Appointee: Dr. Michael A. Sitoruis, 8115 Jackson Street, Omaha, NE 68114, (402) 399-8576 h, (402) 559-6829 w.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:fc

December 19, 1991

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Railway Council, requiring legislative approval.

> Appointee: Frank E. Landis, 3802 Sweetbriar Ln., Lincoln, NE 68516, (402) 423-2310 h, (402) 471-3101 w.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:fc

December 19, 1991

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following reappointment to the Nebraska Investment Council, requiring legislative approval.

> Appointee: Dennis Jorgensen, 11518 Spaulding St., Omaha, NE 68164, (402) 496-2422, (402) 493-2424.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:fc

December 19, 1991

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Gasohol Committee, requiring legislative approval.

Appointee: G. Neale Shaner, 217 Ninth St., Fort Calhoun, NE 68023, (402) 468-5852.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:fc

December 19, 1991

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following reappointment to the Nebraska Ethanol Authority and Development Board, requiring legislative approval.

Appointee: Ray L. Balderson, RR 2, Box 100, Benkelman, NE 69021, (308) 423-2044.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:fc

December 19, 1991

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Ethanol Authority and Development Board, requiring legislative approval.

Appointee: Stan Foster, RR 1, Box 144, Friend, NE 68359, (402) 947-7711 h, (402) 761-2211 h.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:fc

December 20, 1991

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Department of Roads as Director, requiring legislative confirmation.

Appointee: Allan L. Abbott, 26 Knollwood Drive, Sherman, IL 62684, (217) 496-2410.

This appointment is respectfully submitted for your consideration.

Sincerely,

(Signed) E. Benjamin Nelson
Governor

EBN:bh

December 20, 1991

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Board of Health, requiring legislative approval.

Appointee: Barbara J. Christensen, 506 W. Sixth St., North Platte, NE 69101, (308) 532-8117 h, (308) 532-8740 w.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:fc

December 31, 1991

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Child Abuse Prevention Fund Board, requiring legislative approval.

Appointee: Gay Angel McTate, 3131 N. 50th St., Omaha, NE 68104, (402) 435-9213 h, (402) 391-2477 w.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:fc

December 31, 1991

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Coordinating Commission for Postsecondary Education, requiring legislative approval.

Appointee: Jane Renner Hood, 139 N. 11th St. #504, Lincoln, NE 68508, (402) 435-2807 h, (402) 474-2131 w.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:fc

December 31, 1991

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Coordinating Commission for Postsecondary Education, requiring legislative approval.

Appointee: Dick C. E. Davis, 1626 N. 137th St., Omaha, NE 68154, (402) 496-3818 h, (402) 398-7802 w.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:fc

December 31, 1991

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Coordinating Commission for Postsecondary Education, requiring legislative approval.

Appointee: Sheila Griffin, 3144 Sheridan Blvd., Lincoln, NE 68502, (402) 488-9517 h.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:fc

December 31, 1991

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Coordinating Commission for Postsecondary Education, requiring legislative approval.

> Appointee: John Emery, 9504 Capitol Av., Omaha, NE 68114, (402) 397-7097 h, (402) 346-2242 w.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:fc

December 31, 1991

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Coordinating Commission for Postsecondary Education, requiring legislative approval.

> Appointee: Rudi L. Mitchell, RR 1, Box 21, Macy, NE 68039, (402) 837-5034.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:fc

December 31, 1991

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Coordinating Commission for Postsecondary Education, requiring legislative approval.

Appointee: Christine Z. Peterson, 1812 W. Louise, Grand Island, NE 68803, (308) 384-6477 h, (308) 382-9210 w.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:fc

December 31, 1991

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Coordinating Commission for Postsecondary Education, requiring legislative approval.

Appointee: Randolph M. Ferlic, M.D., 2254 S. 86th Av., Omaha, NE 68124, (402) 397-2837 h, (402) 552-2222 w.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:fc

December 31, 1991

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Coordinating Commission for Postsecondary Education, requiring legislative approval.

Appointee: Norman Otto, 1500 Kingston Dr., Lincoln, NE 68506, (402) 488-1951.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:fc

December 31, 1991

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Coordinating Commission for Postsecondary Education, requiring legislative approval.

Appointee: Eric R. Seacrest, 710 W. Fifth St., North Platte, NE 69101, (308) 532-8635 h, (308) 532-6783 w.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:fc

January 2, 1992

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Coordinating Commission for Postsecondary Education, requiring legislative approval.

Appointee: Janice L. Carlson, RR 1, Box 6, Lodgepole, NE 69149, (308) 483-5295.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:fc

January 3, 1992

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Oil and Gas Conservation Commission, requiring legislative approval.

Appointee: Erv Friehe, #1 Spyglass Dr., McCook, NE 69001, (308) 345-5635.

This appointment is respectfully submitted for your consideration.

Sincerely,

(Signed) E. Benjamin Nelson
Governor

EBN:fc

MESSAGES FROM THE SECRETARY OF STATE

August 29, 1991

Madam President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment requiring legislative confirmation:

> Linda K. Mai, Scottsbluff, Nebraska 69361, Member of the Nebraska Accountability and Disclosure Commission for a six year term ending June 30, 1997.

This appointment was made by me, pursuant to the provisions of Sections 49-14,105, 49-14,110, 49-14,112 and 49-14,114 and is respectfully submitted for your consideration.

Sincerely,
(Signed) ALLEN J. BEERMANN
Secretary of State

XC: Linda K. Mai
Accountability and Disclosure Commission
Senator Gerald Conway

October 15, 1991

Madam President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment requiring legislative confirmation:

> Rhonda Seacrest, North Platte, Nebraska 69103, Member of the Nebraska Accountability and Disclosure Commission for a six year term ending June 30, 1997.

This appointment was made by me, pursuant to the provisions of Sections 49-14,105, 49-14,110, 49-14,112 and 49-14,114 and is respectfully submitted for your consideration.

Sincerely,
(Signed) ALLEN J. BEERMANN
Secretary of State

XC: Rhonda Seacrest
Accountability and Disclosure Commission
Senator Gerald Conway

NATURAL RESOURCE DISTRICT REPORTS

In compliance with Section 2-3262 (R.R.S. 1943) a summary of all fees paid to date during calendar year 1991 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	FEE
Lower Elkhorn Natural Resources District	
Jewell, Gatz, Collins, Dreier & Fitzgerald	73,200.70
Harding & Ogborn	292.86
Lower Loup Natural Resources District	None
Lower Niobrara Natural Resources District	
John Thomas	41.13
Rodney Palmer, Palmer & Kozisek P.C.	5,926.95
Roger Paschke	183.00
Lower Platte South Natural Resources District	
Crosby, Guenzel, David, Kessner & Kuester	50,784.81
Lower Republican Natural Resources District	
Duncan, Duncan, Jelken & Walker	156.00
Middle Niobrara Natural Resources District	
Attorneys	140.75
Middle Republican Natural Resources District	

Hayes County Clerk	24.00
Schroeder Law Office	79.36
Nebraska Natural Resources Commission	
Howard S. Bellman	12,800.00
North Platte Natural Resources District	
Holtorf, Kovarik, Ellison & Mathis, P.C.	1,987.85
Papio-Missouri River Natural Resources District	
Golby Uhlir	2,699.63
Paul F. Peters, Gast & Peters	141,565.34
Baird, Holm, McEachen, Pedersen, Hamann & Strashei	140.00
Richard A. Lombardi, American Communications Group	8,800.00
Twin Platte Natural Resources District	
Nielsen & Birch	3,011.48
Upper Big Blue Natural Resources District	
Crosby, Guenzel, Davis, Kessner & Kuester	31,549.48
Upper Loup Natural Resources District	None
Upper Niobrara-White Natural Resources District	
James W. Slavik	240.38
Upper Republican Natural Resources District	
Terry Savage	1,406.73

REPORTS

The following reports were received by the Legislature:

Minutes of the Board of Public Roads Classifications and Standards for the months of June, July, September, October, and November 1991.

Quarterly reports from the Department of Roads for the Nebraska State Highway Commission as of June and September 1991.

Statements of deposits to the Highway Cash Fund and Roads Operation Cash Fund for the calendar months of June, July, August, September, October, and November 1991, from the Nebraska Department of Roads in compliance with Section 66-476, R.S. Supp. 1988.

Annual report from the State Department of Education of the enrollment option program as defined in Nebraska Statute 79-3417.

Reports submitted by the Nebraska Energy Office for the quarters ending June 30 and September 30, 1991, covering the financial condition of the Natural Gas Revolving Loan Fund as required by Section 010 of the regulations for the Municipal Natural Gas Regulation Act (Sec. 19-4617, R.R.S. 1943).

Report from the Department of Social Services in accordance with Section 3, Legislative Bill 182A of the Ninety-First Legislature and Section 28(2), Legislative Bill 843 of the Ninety-Second Legislature.

Annual report from the Department of Correctional Services as required by LB 663 (1990), Section 15.

Annual report from the Nebraska Educational Telecommunications Commission concerning Nebraska Public Radio Network development.

Reports from the Nebraska Investment Finance Authority (NIFA) in accordance with the following statutes: 58-245, 58-246, and 58-270.

Biennial report of the Nebraska Library Commission pursuant to Section 51-403.

Documents submitted by the Department of Agriculture in accordance with the provisions of Section 89-186: copy of the standards of the National Conference on Weights and Measures published in the National Institute of Standards and Technology, Handbook 44; copy of the Uniform Regulation for the Method of Sale of Commodities and a copy of the Uniform Packaging and Labeling Regulation of the National Institute of Standards and Technology, Handbook 130; and a copy of the procedures designated in National Institute of Standards and Technology, Handbook 133, as will exist on September 6, 1991.

Document submitted by the Department of Agriculture in accordance with LB 627, Section 145 (1991): copy of the American Society for Testing and Materials, publication D4814-89, entitled Standard Specifications for Automotive Spark Ignition Engine Fuels.

Progress report on Nebraska Research Initiative for fiscal years 1989, 1990, and 1991, from the University of Nebraska.

Annual report prepared by the Department of Revenue and the Legislative Fiscal Office of revenue collected as prescribed in LB 1059, 1990.

Annual report from the Nebraska State Historical Society for 1990-1991.

Audit reports from the Auditor of Public Accounts for the following: Workers' Compensation Court, Nebraska Department of Motor Vehicles, Public Employees' Retirement Systems, Nebraska Commission on Law Enforcement and Criminal Justice, Nebraska Coordinating Commission for Postsecondary Education, Office of Risk Management State Claims Board, Nebraska State Fire Marshal, Department of Economic Development, Nebraska Public Service Commission, Nebraska Commission for the Hearing Impaired, Nebraska Military Department, Nebraska Game and Parks Commission, Nebraska Department of Revenue, Nebraska Beef Industry Development Board, Nebraska Department of Education, Nebraska Oil and Gas Conservation Commission, Nebraska Supreme Court, Nebraska Library Commission, and Governor's Policy Research and Energy Office.

Annual report for 1990-1991 from the Nebraska Research and Development Authority.

Annual Report and Plan of Work for the Nebraska State Water Planning and Review Process from the Natural Resources Commission in accordance with Section 2-15,106 of the Nebraska Revised Statutes.

Report and updated plan for the Rural Health Education Network (RHEN) for 1991 pursuant to LB 652, 1991.

Annual report for the Nebraska Department of Economic Development for fiscal year 1990-1991.

1991 State Highway Plan and Needs Report from Nebraska Department of Roads, in accordance with Nebraska Revised Statutes, Section 39-1365.02, 1988 Supplement.

Annual Budgetary Report for year ended June 30, 1991, from the Department of Administrative Services.

Report of Examination of the Auditor of Public Accounts from the Nebraska Department of Revenue for fiscal year ended June 30, 1990, in accordance with Statute 81-106.

Annual report on the status of the Nebraska Telecommunications industry from the Nebraska Public Service Commission in compliance with the Telecommunications Act of 1986, Section 86-804, Neb. Rev. Stat., 1943.

Report on the Nebraska Health Insurance Pool submitted by the Nebraska Department of Insurance as required by Legislative Bill 419, 1991.

Annual report from the Nebraska Department of Environmental Control as required by LB 528, 1991.

Report from the University of Nebraska Board of Regents pursuant to Section 85-408, R.R.S. of Nebraska, 1943.

Letter acknowledging transmittal of reports from the planning team appointed by the Governor in accordance with LB 638, 1991.

Letter acknowledging transmittal of report compiled jointly by the Department of Social Services and the State Department of Education outlining the effectiveness of the referral and services coordination system of the demonstration sites set forth in LB 701, 1991.

Annual report of the Nebraska Ethanol Authority and Development Board submitted in accordance with Section 66-1307.01 of the Ethanol Authority and Development Act.

Report from the Nebraska Game and Parks Commission on the one-year and five-year recreation road plan of proposed projects on exterior access and interior park roads in accordance with Sections 39-1392, R.R.S 1943.

Annual report on the Disabled Persons and Family Support Program submitted by the Nebraska Department of Social Services as required by Section 68-1518, Reissue Revised Statutes of Nebraska, 1943.

Annual report for fiscal year July 1, 1990 through June 30, 1991 from the Department of Social Services, Disabled Persons and Family Support Program pursuant to Section 68-1518, Reissue Revised Statutes of Nebraska, 1943.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 91081

DATE: November 8, 1991

SUBJECT: Establishment of Different Assessment Dates for the Taxation of Real and Personal Property.

REQUESTED BY:	Senator Jerome Warner Nebraska State Legislature
WRITTEN BY:	Don Stenberg, Attorney General L. Jay Bartel, Assistant Attorney General

You have requested our opinion on two questions relating to proposed legislation which would change the assessment date for personal property to July 1 for tax year 1992 and thereafter, while retaining an assessment date of January 1 for real property. You indicate that these questions may be relevant to a proposed call of a special session of the Nebraska Legislature which may be commenced prior to the initiation of the regular session in January, 1992.

Your initial question is whether it is constitutional for the Legislature "to provide for different assessment (valuation) dates for personal and real property, if the county and state boards of equalization are then authorized or required to 'equalize' the values of the two types of property?"

Article VIII, § 1, of the Nebraska Constitution provides in relevant part that, except for motor vehicles, "{t}axes shall be levied by valuation uniformly and proportionately upon all tangible property and franchises. . . ." The rule of uniformity applies to both the rate of taxation and the valuation of property for purposes of taxation. State ex rel. Douglas v. State Bd. of Equal., 205 Neb. 130, 286 N.W.2d 729 (1979); State ex rel. Meyer v. McNeil, 185 Neb. 586, 177 N.W.2d 596 (1970). "Personal property and real property are both 'tangible property' under Nebraska law and must be equalized and taxed uniformly pursuant to Neb. Const. art. VIII, § 1." MAPCO Ammonia Pipeline, Inc. v. State Bd. of Equal., 238 Neb. 565, 573, 471 N.W.2d 734, 740 (1991) {"MAPCO"}. See also Grainger Brothers Co. v. Board of Equal., 180 Neb. 571, 144 N.W.2d 161 (1966). "{T}he object of the law of uniformity is accomplished if all of the property within the taxing jurisdiction is assessed at a uniform standard of value." Carpenter v. State Bd. of Equal., 178 Neb. 611, 619, 134 N.W.2d 272, 278 (1965) (emphasis in original).

In Xerox Corp. v. Karnes, 217 Neb. 728, 350 N.W.2d 566 (1984) {"Xerox"}, the Nebraska Supreme Court addressed the constitutionality of a legislative enactment establishing that valuations of real and personal property for assessment and taxation were to be based on valuations determined "as of January 1 at 12:01 a.m. of 1981 and every odd-numbered year thereafter. . . ." Xerox, which was obligated to pay the applicable personal property taxes on certain equipment, challenged the constitutionality of this biennial assessment on the ground that it violated Article VIII, § 1, in that the statute required property values to remain unchanged for two years and thus precluded consideration in even-numbered years of depreciation when personal property was valued for tax purposes. Id. at 731-32, 350 N.W.2d at 569. The court, after noting that the uniform standard of valuing property for tax purposes provided by the Legislature was to tax property at its "actual value" (see Neb.Rev.Stat. §§ 77-112 and 77-201), held this method of biennial assessment unconstitutional, stating:

> {T}he effect of the statute . . . is that in even-numbered years no change may be made in the value of personal property subject to taxation. Thus, such property is subject to a tax levy in even-numbered years without any determination of its actual value for that year.
>
> * * *
>
> We conclude that {the statute} is violative of Neb. Const. art. VIII, § 1, in that it directs that taxes be levied upon personal property in even-numbered years without regard to the uniform method of valuing property at actual value in § 77-201 and as that statute has been interpreted by this court. Id. at 733, 350 N.W.2d at 569.

While the issue addressed in Xerox is not identical to that posed by your initial question, we believe the court's decision in Xerox raises serious doubt as to the constitutionality of any legislative proposal establishing different dates for determining the assessment and valuation of personal and real property for tax purposes. As the court recently reaffirmed in MAPCO, "{p}ersonal property and real property are both 'tangible property' under Nebraska law and must be equalized and taxed uniformly pursuant to Neb. Const. art. VIII, § 1." 238 Neb. at 573, 471 N.W.2d at 740. The establishment of different dates for the valuation and assessment of these types of property raises uniformity concerns similar to those found to exist in Xerox. Deferring by six months the date of assessment of a part of the class of "tangible property" (i.e., personal property) for purposes of establishing taxable values for such property is inconsistent with the principle that all property (both real and personal) must be taxed uniformly, as required by Article VIII, § 1. Values of personal property subject to taxation may clearly differ depending on whether such property is assessed and valued as of January 1, as opposed to July 1. Thus, in our view, legislative action setting different dates for the valuation and assessment of personal and real property would be unconstitutional as violative of the requirement of uniformity in Neb. Const. art. VIII, § 1.

In addition, we believe that, irrespective of whether the establishment of different assessment dates for real and personal property could be held not to violate the uniformity requirement of Article VIII, § 1, a serious question exists as to whether a classification of this nature would constitute impermissible special legislation prohibited by Neb. Const. art. III, § 18.

In City of Scottsbluff v. Tiemann, 185 Neb. 256, 266, 175 N.W. 2d 74, 81 (1970), the Nebraska Supreme Court stated:

> It is competent for the Legislature to classify objects of legislation and if the classification is reasonable and not arbitrary, it is a legitimate exercise of legislative power. {citation omitted.} The classification must rest upon real differences in situation and circumstances surrounding members of the class relative to the subject of the legislation which renders appropriate its enactment. {citations omitted.} The power of classification rests with the Legislature and cannot be interfered with by the courts unless it is clearly apparent that the Legislature has by artificial and baseless classification attempted to evade and violate provisions of the Constitution prohibiting local and special legislation. {citation omitted.} A legislative classification, in order to be valid, must be based upon some reason of public policy, some substantial difference of situation or circumstances, that would naturally suggest the justice or expediency of diverse legislation with respect to the objects to be classified. Classifications for the purpose of legislation must be real and not illusive; they cannot be based on distinctions without a substantial difference. {citations omitted.} (emphasis in original.)

In view of the court's recent decision in MAPCO holding unconstitutional the Legislature's attempt to redefine real and personal property for tax purposes under LB 1 as establishing an unreasonable classification in violation of Article III, § 18 (238 Neb. at 570-76, 471 N.W.2d at 740-42), the court could well determine that a classification establishing different assessment dates for real and personal property results in impermissible special legislation in contravention of this constitutional provision.

Finally, we point out that establishing an assessment date of July 1 for personal property would be wholly at odds with the existing scheme for the assessment and equalization of property. Neb.Rev.Stat. § 77-1315 (Reissue 1990) provides that the county assessor must complete the revision of the assessment rolls, schedules, returns and lists, and file a certificate indicating such revision has been completed on or before April 1. Neb.Rev.Stat. § 77-1502 (Reissue 1990) provides that the county board shall meet as a board of equalization for the purpose of reviewing and deciding protests, "commencing on April 1 of each year and ending on May 31." In addition, the county board of equalization is required to equalize the valuation of real and personal property in the county no later than May 31 of each year. Neb.Rev.Stat. § 77-1504 (Reissue 1990). Percentage adjustments of classes or subclasses of property must be made by the county board of equalization on or before June 15. Neb.Rev.Stat. § 77-1506.02 (Reissue 1990). Finally, Neb.Rev.Stat. § 77-1514 (Reissue 1990) requires the county assessor to prepare, not later than June 25 of each year, an abstract of the assessment rolls showing the values as equalized and corrected by the county board of equalization, and requires the county assessor to forward such abstract to the State Board of Equalization on or before July 1.

Obviously, the establishment of an assessment date of July 1 for personal property simply does not fit within the scheme setting forth the assessment and equalization of property currently in existence under Nebraska law. The assessment and equalization process for locally assessed property is completed at the county level prior to July 1, the date upon which you propose to determine the valuation of personal property for assessment. While various time periods relating to the assessment and equalization process could conceivably be adjusted to attempt to deal with this concern, it appears that any effort to "roll back" the entire process would pose numerous administrative difficulties in the operation of the property tax system.[1]

Your second question is whether it is "constitutional to continue the reimbursement distribution formula provided in LB 829 (based on assessments made in January, 1991) into 1992 for the 1992 tax year?" You further ask whether, "if the 'reimbursement' is continued for 1992 for a continued exemption of heretofore taxed personal property (i.e., primarily business equipment), must there be some more recent and accurate basis (other than January 1, 1991 assessments) on which to determine the property tax loss, such as assessments for 1992?" You conclude by asking whether "a 'reimbursement' distribution formula for 1992 based on 1991 tax losses" would be a "reasonable classification?"

In State ex rel. Douglas v. Marsh, 207 Neb. 598, 300 N.W.2d 181 (1980) {"Marsh"}, the court addressed the constitutionality of legislation establishing a form of state aid to political subdivisions known as the "Local Government Revenue Fund" {"Fund"}. The Fund was enacted to replace a prior legislative scheme, the "Personal Property Tax Relief Fund," which was intended to reimburse political subdivisions for revenues lost by virtue of the exemptions granted by the Legislature to various types of personal property, including business inventories, agricultural machinery and equipment, farm inventories, and livestock. Id. at 602, 300 N.W.2d at 183-84. Distributions were to be made from the Fund based upon the percentage each county received from the Fund in a base year plus an amount equal to ten percent of the change in the total amount of general taxes levied in the county. Id. at 600-601, 300 N.W.2d at 183. The Attorney General challenged the validity of the act, contending that the classifications established "created an arbitrary and unreasonable closed classification in that they prevent{ed} a county from moving from one classification to another. . ., contrary to Neb. Const. art. III, § 18, which provides that where a general law can be made no special law shall be enacted." Id. at 601, 300 N.W.2d at 183.

In holding that the reimbursement scheme enacted under the Fund created an unreasonable "frozen" or "closed" classification impermissible under Neb. Const. art. III, § 18, the court in Marsh stated:

> We fail to see how it can be argued that there is any reasonable classification when the classes in the first instance are based upon historic facts alone. To be sure, if the formula were continued to be used in future years and adjustments made accordingly, the action of the Legislature might be held to be reasonable; but where it is determined that the classification is based upon happenstance events in a given year and thereafter remains forever, regardless of the changes in circumstances, the classification must be held to be invalid and the act in violation of our State Constitution. Id. at 609, 300 N.W.2d at 187.

Thus, in response to your second inquiry, we conclude that it would be unconstitutional for the Legislature to retain a "reimbursement formula" for aid to governmental subdivisions for personal property tax revenues which may be lost for 1992 based solely on the reimbursement formula contained in § 26 of LB 829, which takes into consideration only personal property tax revenues lost as the result of exemptions granted for tax year 1991. The use of an historical figure of this nature would establish an impermissible "closed" classification in violation of Neb. Const. art. III, § 18.

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[1] We note that owners of personal property are not required to file tax forms listing such property with county assessors until March 1. Neb.Rev.Stat. § 77-1229 (Reissue 1990). Should the Legislature act to extend the exemption of personal property under LB 829 to tax year 1992 prior to this date (either in a special session late in 1991 or early in the regular session commencing in January, 1992), personal property owners would not be required to file such tax forms by March 1, 1992.

Very truly yours,
DON STENBERG
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

cc: Patrick J. O'Donnell
Clerk of the Legislature
7-212-7.7

Opinion No. 91087

November 21, 1991

Senator Stan Schellpeper
1202 State Capitol
Lincoln, NE 68509

Dear Senator Schellpeper:

This letter is in response to your earlier correspondence dealing with your simultaneous service on the State Board of Agriculture and in the Legislature. We agree with your statement that the State Board of Agriculture is not a State agency, and therefore, your simultaneous service does not create a problem with respect to the Supreme Court's decision in State ex rel Spire v. Conway, 238 Neb. 766, 472 N.W.2d 403 (1991).

In Conway, our State Supreme Court indicated that Senator Gerald Conway could not serve in the Legislature while simultaneously occupying a position as an assistant professor at Wayne State College. This holding was based upon Article II, §1 of our State Constitution. Obviously, Wayne State College and the Legislature are entities of State Government.

As you have correctly noted, our Supreme Court indicated in Crete Mills v. Nebraska State Board of Agriculture, 132 Neb. 244, 271 N.W. 684 (1937) that the State Board of Agriculture is not a State agency or part of the executive branch of State government. In addition, we have pointed this out in several opinions of this office. See Opinion of the Attorney General #47, March 27, 1985. Consequently, it is clear that the State Board of Agriculture is not an agency of the State of Nebraska.

Since the State Board of Agriculture is not a State agency, we do not believe that the Conway decision raises any impediment to your simultaneous service on the State Board and in the Legislature. Thank you for your earlier letter and analysis of this issue. We appreciate your cooperation with respect to this matter.

Sincerely
(Signed) Don Stenberg
Attorney General

Opinion No. 92003

DATE:	January 6, 1992
SUBJECT:	Acceleration of Collection of Personal Property Taxes under Neb.Rev.Stat. § 77-1214 (Reissue 1990)
REQUESTED BY:	Senator Jim D. Cudaback
WRITTEN BY:	Don Stenberg, Attorney General L. Jay Bartel, Assistant Attorney General

You have requested our opinion on several questions pertaining to the acceleration of payment of personal property taxes under Neb.Rev.Stat. § 77-1214 (Reissue 1990), and the effect of this provision on proposed legislation for tax year 1992 which you may consider introducing when the legislation convenes in January, 1992. At the outset, we note that you have not provided any specific legislative proposal for our consideration, and, as such, our responses to some of your questions must necessarily be quite general in nature. With this caveat in mind, we will endeavor to respond to your questions.

Initially, you ask "{w}hen does a personal property tax become due a municipal corporation pursuant to Neb.Rev.Stat. § 77-1214?"

Section 77-1214 provides as follows:

> It shall be the duty of any assessor, sheriff, constable, city councilman, and village trustee to at once inform the county treasurer of the making or attempted making of any sale, levy of attachment, or removal of personal property known to him. It shall be the duty of the county treasurer to forthwith proceed with the collection of the tax when such acts become known to him in any manner; Provided, any personal tax shall be due and collectible, including all personal property then assessed upon which the tax shall be computed on the basis of the last preceding levy, and a distress warrant shall be issued when (1) any person attempts to sell all or a substantial part of his personal property, (2) a levy of attachment is made upon personal property, or (3) a person attempts to remove or removes personal property from the county, city, or village. (Emphasis added).

Section 77-1214 provides for accelerated collection of personal property taxes where: (1) a person attempts to sell personal property; (2) a levy of attachment is made upon personal property; or (3) a person attempts to remove or removes personal property. The statute requires the issuance of distress warrants to collect personal taxes under these circumstances. The purpose of this provision is no doubt to provide a means to collect personal property taxes in situations where immediate action is necessary to secure payment of taxes where personal property is sold, subjected to attachment, or removed prior to levy date. Under the plain terms of the statute, such taxes are deemed "due and collectible . . . upon all personal property then assessed upon which the tax shall be computed on the basis of the last preceding levy . . . ."

Your second question is whether "{i}f § 77-1214 is plain on its face, what {e}ffect does it have on any tax proposal enacted by the legislature in 1992, for tax year 1992, prior to the levy date?" In a related question, you ask whether "§ 77-1214 create{s} a situation where legislation occurring prior to the 1992 levy date would create a commutation, release, or discharge of a tax due a municipal corporation in violation of Article VIII, § 4 of the Nebraska Constitution?"

Neb. Const. Art. VIII, § 4, provides in pertinent part:

> Except as to tax and assessment charges against real property remaining delinquent and unpaid for a period of fifteen years or longer, the Legislature shall have no power to release or discharge any county, city, township, town, or district whatever, or the inhabitants thereof, or any corporation, or the property therein, from their or its proportionate share of taxes to be levied for state purposes, or due any municipal corporation, nor shall commutation for such taxes be authorized in any form whatever. . . . (Emphasis added).

Recently, in Attorney General Opinion No. 91088, November 27, 1991, we addressed at length the effect of the prohibition against the release or commutation of taxes by the Legislature contained in Article VIII, § 4. In this opinion, we noted the Nebraska Supreme Court's recent decision in Natural Gas Pipeline Co. v. State Bd. of Equal., 237 Neb. 357, 466 N.W.2d 461 (1991) ({"Natural"}, discussing the meaning of the limitation imposed by Article VIII, § 4). The court stated that the tax year for property tax purposes is "completed on November 1", as both levies and the extension of levies and preparation of tax lists must be accomplished prior to November 1, and that, as to personal property taxes, such are due and become a lien on November 1. Id. at 366-67, 466 N.W.2d at 468. Accordingly, we concluded that legislation extending the date of assessment beyond January 1 would not represent an unlawful commutation of taxes, as the power to tax and exercise of the taxing power is not completed until the date of levy and the extension of the levy in preparation of tax lists.

While the court's decision in Natural did not address the effect, if any, that § 77-1214 may have on the Legislature's ability to alter the process of property taxation during a tax year, we do not believe the accelerated collection provision contained in § 77-1214 necessarily precludes the Legislature from altering statutes governing the assessment or collection of property taxes after January 1 of a given tax year. The court in Natural clearly focused on the date of levy, and the point at which personal property taxes levied become a lien on the property (November 1), as the pivotal time when the taxing process is completed. While your questions do not reflect what type of "tax proposal" or "legislation" you may be considering, we certainly cannot state that any legislation altering the property tax process for tax your 1992, enacted after January 1, 1992, would violate Article VIII, § 4, by virtue of the procedure for accelerated collection of personal property taxes provided under § 77-1214.

Your final question asks us to consider whether various events under a proposed scenario involving legislative action exempting personal property and approval of a constitutional amendment allowing "different treatment of personal and real property" would violate Article VIII, §§ 1 and 4, of the Nebraska Constitution, or the United States Constitution.

Upon review of the issues raised under your proposed scenario, we must respectfully decline to provide an opinion relative to this question. The constitutionality of 1991 Neb. Laws, LB 829, § 7 (codified at Neb.Rev.Stat. § 77-202 (Supp. 1991), exempting all personal property (except motor vehicles) for tax year 1991, is currently at issue in an original action pending in the Nebraska Supreme Court. Jaksha v. State, et al., No. S-33-910019. Your question necessarily requires consideration of the constitutionality of legislative action providing for the exemption of personal property, and whether such contravenes either Article VIII, § 1 or Article VIII, § 4, both of which are questions which are at issue with regard to LB 829 in Jaksha. We are obligated to defend the constitutionality of LB 829 in this action, and, as such, believe it would be imprudent to express any opinion in response to your final question which may impact the issues raised in this litigation.

Very truly yours,
DON STENBERG
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

cc: Patrick J. O'Donnell
Clerk of the Legislature
7-45-6.91

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 858. Introduced by Executive Board: Warner, 25, Chairperson.

A BILL FOR AN ACT relating to state departments and agencies; to amend sections 81-549, 81-550, 81-1120.23, 83-163, 83-1,110, 83-378, and 83-1065, Reissue Revised Statutes of Nebraska, 1943; to eliminate references to this act and substitute correct act or section citations; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 859. Introduced by Executive Board: Warner, 25, Chairperson.

A BILL FOR AN ACT relating to accountants; to repeal a provision relating to the substitution of certain terms; and to repeal section 1-172, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 860. Introduced by Executive Board: Warner, 25, Chairperson.

A BILL FOR AN ACT relating to health; to amend sections 71-117, 71-1001, 71-1631, 71-3401, 71-3402, 71-3602, and 71-5505, Reissue Revised Statutes of Nebraska, 1943; to change incorrect references to the Department of Health and the State Board of Health; to eliminate a requirement for the substitution of terms; and to repeal the original sections, and also section 71-2623, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 861. Introduced by Executive Board: Warner, 25, Chairperson.

A BILL FOR AN ACT relating to the Uniform Commercial Code; to amend sections 1-101, 1-102, 1-103, 1-104, 1-106, 1-108, 1-109, 1-203, 1-204, 2-207, 2-401, 2-512, 2-719, 2-725, 5-102, 7-202, 7-503, 9-201, 10-101, 10-102, 10-103, and 10-104, Uniform Commercial Code; to change internal references to this act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 862. Introduced by Executive Board: Warner, 25, Chairperson.

A BILL FOR AN ACT relating to the Commission on Indian Affairs; to amend sections 81-2501 and 81-2507, Revised Statutes Supplement, 1991;

to harmonize provisions relating to a quorum of the commission; and to repeal the original sections.

LEGISLATIVE BILL 863. Introduced by Executive Board: Warner, 25, Chairperson.

A BILL FOR AN ACT relating to community mental health outpatient clinic services; to eliminate a provision concerning state support which was no longer furnished after April 16, 1976; and to repeal section 71-5011, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 864. Introduced by Executive Board: Warner, 25, Chairperson.

A BILL FOR AN ACT relating to the Railroad and Car Company Personal Property Tax Reimbursement Fund; to eliminate statutes which terminated July 1, 1989; and to repeal sections 77-676 and 77-677, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 865. Introduced by Executive Board: Warner, 25, Chairperson.

A BILL FOR AN ACT relating to schools; to eliminate a requirement for a study which was required to be completed by January 1, 1990; and to repeal section 79-3418, Revised Statutes Supplement, 1990.

LEGISLATIVE BILL 866. Introduced by Executive Board: Warner, 25, Chairperson.

A BILL FOR AN ACT relating to transmission lines; to amend section 17-907, Reissue Revised Statutes of Nebraska, 1943; to change references to repealed sections; and to repeal the original section.

LEGISLATIVE BILL 867. Introduced by Executive Board: Warner, 25, Chairperson.

A BILL FOR AN ACT relating to appropriations; to eliminate provisions appropriating funds for the biennium ending June 30, 1991; and to repeal section 90-501, Revised Statutes Supplement, 1990, and section 90-502, Revised Statutes Supplement, 1991.

LEGISLATIVE BILL 868. Introduced by Executive Board: Warner, 25, Chairperson.

A BILL FOR AN ACT relating to townships; to amend section 23-222.01, Reissue Revised Statutes of Nebraska, 1943; to amend a reference to a repealed section; and to repeal the original section.

LEGISLATIVE BILL 869. Introduced by Executive Board: Warner, 25, Chairperson.

A BILL FOR AN ACT relating to initiative and referendum measures; to amend sections 32-451, 32-702, 32-709, and 32-712, Reissue Revised Statutes of Nebraska, 1943; to harmonize provisions relating to ballot language with Laws 1991, LB 192; and to repeal the original sections.

LEGISLATIVE BILL 870. Introduced by Executive Board: Warner, 25, Chairperson.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-448, Reissue Revised Statutes of Nebraska, 1943; to correct an internal reference; and to repeal the original section.

LEGISLATIVE BILL 871. Introduced by Executive Board: Warner, 25, Chairperson.

A BILL FOR AN ACT relating to sales and use tax; to amend sections 9-306.01, 77-2705, 77-2713, 77-27,119.03, and 77-27,147, Reissue Revised Statutes of Nebraska, 1943, and sections 66-642, 77-2701, 77-2703, and 77-2711, Revised Statutes Supplement, 1991; to restate definitions and a penalty; to restate exemptions from the tax; to correct internal references; to eliminate definitions, exemptions, and a penalty provision; to harmonize provisions; to repeal the original sections, and also sections 77-2702.01 and 77-2704.01, Reissue Revised Statutes of Nebraska, 1943, and sections 77-2702, 77-2702.02, and 77-2704, Revised Statutes Supplement, 1991; and to declare an emergency.

LEGISLATIVE BILL 872. Introduced by Hefner, 19.

A BILL FOR AN ACT relating to motor vehicle operation; to amend sections 39-669.12 and 39-669.15, Reissue Revised Statutes of Nebraska, 1943, and sections 39-669.08, 39-669.11, 39-6,122, and 60-4,164, Revised Statutes Supplement, 1990; to require persons involved in accidents to submit to chemical tests as prescribed; to authorize use of test results as evidence; to provide immunity for medical personnel and hospitals as prescribed; to require and permit disclosure of test results; to harmonize provisions; to provide severability; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 873. Introduced by Hefner, 19.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-302.03, 60-323, and 60-325, Reissue Revised Statutes of Nebraska, 1943, and sections 60-301 and 60-302, Revised Statutes Supplement, 1990; to define a term; to require a motor vehicle parked on the highways to be registered; to provide a penalty; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 874. Introduced by Hefner, 19.

A BILL FOR AN ACT relating to crimes and punishments; to amend sections 29-2532, 29-2533, 29-2542, 29-2543, and 29-2544, Reissue Revised Statutes of Nebraska, 1943; to change the mode of inflicting the death penalty; to harmonize provisions; to provide severability; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 875. Introduced by Hefner, 19.

A BILL FOR AN ACT relating to grand juries; to amend section 29-1401, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to when a grand jury shall be called; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 876. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to child labor; to provide for children to be exempt from child labor law requirements when employed by their parents or persons standing in loco parentis as prescribed.

LEGISLATIVE BILL 877. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to elevators; to amend sections 48-418.09 and 48-418.10, Reissue Revised Statutes of Nebraska, 1943; to change fees charged for inspections; to create a fund; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 878. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to the Employment Security Law; to amend section 48-628, Revised Statutes Supplement, 1991; to change provisions relating to disqualification for benefits; and to repeal the original section.

LEGISLATIVE BILL 879. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to the Employment Security Law; to amend sections 48-602 and 48-648, Reissue Revised Statutes of Nebraska, 1943; to define employee leasing company; to require contributions and reports as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 880. Introduced by Hefner, 19.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-105 and 28-201, Reissue Revised Statutes of Nebraska, 1943, and sections 28-416 and 29-2262, Revised Statutes Supplement, 1991; to change the classifications of felonies; to change the penalties for certain drug offenses; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 881. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-3225, Reissue Revised Statutes of Nebraska, 1943; to prohibit the use of funds for construction or purchase of any building except for the district's exclusive use; and to repeal the original section.

LEGISLATIVE BILL 882. Introduced by Coordsen, 32; Hefner, 19.

A BILL FOR AN ACT relating to employment security; to amend section 48-628, Revised Statutes Supplement, 1991; to change conditions for unemployment benefits for students; and to repeal the original section.

LEGISLATIVE BILL 883. Introduced by Lamb, 43.

A BILL FOR AN ACT relating to property taxation; to amend sections 77-603, 77-606, 77-1201, 77-1211, 77-1212, 77-1229, 77-1229.01, 77-1241.01, 77-1250.02, 77-1301, 77-1303, 77-1315, 77-1318, 77-1405, 77-1502, 77-1514, 77-3703, and 77-3706, Reissue Revised Statutes of Nebraska, 1943, and sections 77-1344, 77-1504, 77-1506.02, and 77-1510, Revised Statutes Supplement, 1991; to change the date personal and real property is assessed for taxation; to change related dates for harmonizing purposes; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 884. Introduced by Rogers, 41.

A BILL FOR AN ACT relating to counties; to amend section 23-107.01, Reissue Revised Statutes of Nebraska, 1943; to permit county boards to transfer property to the state as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 885. Introduced by Rogers, 41.

A BILL FOR AN ACT relating to counties; to adopt the County Initiative and Referendum Act.

LEGISLATIVE BILL 886. Introduced by R. Johnson, 34.

A BILL FOR AN ACT relating to the School Employees Retirement Act; to amend section 79-1501.01, Revised Statutes Supplement, 1991; to authorize a credit for prior years of service in a private, denominational, or parochial school; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 887. Introduced by R. Johnson, 34.

A BILL FOR AN ACT relating to public power and irrigation districts; to amend sections 70-623 and 70-623.03, Reissue Revised Statutes of Nebraska, 1943, and section 70-623.02, Revised Statutes Supplement, 1991; to change provisions relating to an audit; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 888. Introduced by R. Johnson, 34.

A BILL FOR AN ACT relating to water; to amend sections 46-637, 46-651, 46-654, 46-666, and 66-1105, Reissue Revised Statutes of Nebraska, 1943, sections 33-105 and 46-212.02, Revised Statutes Supplement, 1990, and sections 46-657 and 46-673.09, Revised Statutes Supplement, 1991; to state intent; to provide for the approval and renewal of permits for ground water uses and transfers; to provide powers and duties; to provide a penalty; to provide and change the disposition of fees; to authorize additional controls in control or management areas; to harmonize provisions; to eliminate provisions relating to use of ground water in other states; to eliminate the Municipal and Rural Domestic Ground Water Transfers Permit Act and the Industrial Ground Water Regulatory Act; and to repeal the original sections, and also sections

46-613.01, 46-613.02, 46-638, 46-639, 46-641, 46-642, 46-644 to 46-646, 46-648 to 46-650, and 46-675 to 46-690, Reissue Revised Statutes of Nebraska, 1943, and sections 46-640 and 46-647, Revised Statutes Supplement, 1991.

LEGISLATIVE BILL 889. Introduced by R. Johnson, 34.

A BILL FOR AN ACT relating to water; to amend sections 46-663.01, 46-666, and 46-667, Reissue Revised Statutes of Nebraska, 1943, and section 46-658, Revised Statutes Supplement, 1991; to provide and change an additional basis for establishment of ground water control areas; to provide powers and duties for natural resources districts and the Director of Water Resources; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 890. Introduced by R. Johnson, 34.

A BILL FOR AN ACT relating to water; to provide conditions for approval and operation of irrigation projects.

LEGISLATIVE BILL 891. Introduced by R. Johnson, 34.

A BILL FOR AN ACT relating to water; to amend sections 46-202, 46-288, 46-2,107 to 46-2,110, 46-2,115, and 46-635, Reissue Revised Statutes of Nebraska, 1943, and sections 46-2,116 and 46-657, Revised Statutes Supplement, 1991; to state intent regarding surface water, ground water, and their interrelationship; to declare certain ground water to be subject to appropriation; to redefine terms; to authorize instream appropriations for public water supply; to change factors for approval of applications for instream appropriations; to provide for priority dates; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 892. Introduced by R. Johnson, 34.

A BILL FOR AN ACT relating to water; to amend sections 46-288, 46-2,107 to 46-2,110, and 46-2,115, Reissue Revised Statutes of Nebraska, 1943, and section 46-2,116, Revised Statutes Supplement, 1991; to state intent; to redefine terms; to authorize instream appropriations for aquifer recharge for public water supply; to provide for priority dates; to change factors for approval of instream appropriations; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 893. Introduced by R. Johnson, 34.

A BILL FOR AN ACT relating to water; to provide when a user of ground or surface water is liable for damages for interference with certain other water users.

LEGISLATIVE BILL 894. Introduced by Withem, 14.

A BILL FOR AN ACT relating to juveniles; to amend section 43-801, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the maximum liability of parents for personal injuries inflicted by children; and to repeal the original section.

LEGISLATIVE BILL 895. Introduced by Withem, 14.

A BILL FOR AN ACT relating to abortion; to eliminate a duty for school districts to provide certain information; and to repeal section 71-6909, Revised Statutes Supplement, 1991.

LEGISLATIVE BILL 896. Introduced by Withem, 14.

A BILL FOR AN ACT relating to jury lists; to amend section 25-1628, Reissue Revised Statutes of Nebraska, 1943; to require the Department of Motor Vehicles to make a list of state identification card holders available; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 897. Introduced by Warner, 25.

A BILL FOR AN ACT relating to revenue and taxation; to provide for research and a report by the Department of Revenue relating to policy changes in taxation as prescribed; and to declare an emergency.

LEGISLATIVE BILL 898. Introduced by Warner, 25.

A BILL FOR AN ACT relating to the Legislature; to amend sections 50-401.01, 50-402, 50-412, and 50-418, Reissue Revised Statutes of Nebraska, 1943; to change and provide provisions relating to the appointment, supervision, qualifications, and salaries of support staff; to eliminate a provision on the hiring and confirmation of employees; and to repeal the original sections, and also section 50-403, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 899. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to highways; to amend section 39-1320, Reissue Revised Statutes of Nebraska, 1943; to provide for acquisition of property for certain purposes related to wetlands; and to repeal the original section.

LEGISLATIVE BILL 900. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to penal and correctional facilities; to amend sections 83-123, 83-171, 83-177 to 83-179, 83-185, 83-227.02, 83-422 to 83-424, 83-427, 83-443, 83-444, 83-465, 83-467, 83-469, 83-470, 83-472, 83-473, 83-474.01, 83-487, 83-490, 83-4,101, 83-4,104, 83-4,109 to 83-4,113, 83-4,115 to 83-4,119, 83-905, 83-909, 83-910, 83-913.01, 83-922, 83-925 to 83-928, 83-930 to 83-933, 83-936, 83-939, and 83-943, Reissue Revised Statutes of Nebraska, 1943, and sections 83-134, 83-176, 83-4,122, 83-4,123, and 83-916, Revised Statutes Supplement, 1990; to change, provide, and eliminate divisions, programs, duties, and responsibilities of the Department of Correctional Services; to change provisions relating to disciplinary actions against inmates; to change provisions relating to inmate grievances; to eliminate provisions relating to rewards; to eliminate provisions relating to cross-employment; to eliminate obsolete provisions; to transfer sections; to harmonize provisions; and to repeal the original sections, and also sections 83-123.01, 83-428, 83-466, 83-903, 83-904, 83-906, 83-909.01, 83-917, 83-923, 83-934, 83-935, 83-937, 83-940, and 83-941, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 901. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to court procedure; to amend sections 29-404, 29-406, 29-814.03, 29-814.05, 29-814.06, and 29-816, Reissue Revised Statutes of Nebraska, 1943, and section 25-1064, Revised Statutes Supplement, 1991; to authorize issuance of injunctions and arrest and search warrants by facsimile transmission; to define terms; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 902. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to the Nebraska Treatment and Corrections Act; to amend sections 81-1835 and 83-183, Reissue Revised Statutes of Nebraska, 1943; to consolidate provisions relating to inmate wages; to harmonize provisions; and to repeal the original sections, and also section 83-183.01, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 903. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to works of fine arts; to adopt the Fine Art Consignment Act.

LEGISLATIVE BILL 904. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to limited liability companies; to amend section 49-801, Reissue Revised Statutes of Nebraska, 1943; to adopt the Limited Liability Company Act; to redefine terms to include limited liability companies; to harmonize provisions; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 905. Introduced by Landis, 46.

A BILL FOR AN ACT relating to marriage; to amend section 30-2316, Reissue Revised Statutes of Nebraska, 1943; to adopt the Uniform Premarital Agreement Act; to provide severability; to provide when the act takes effect; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 906. Introduced by Landis, 46.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Uniform Determination of Death Act.

LEGISLATIVE BILL 907. Introduced by Landis, 46.

A BILL FOR AN ACT relating to minors; to amend sections 9-823 and 30-2209, Reissue Revised Statutes of Nebraska, 1943, and section 33-126.02, Revised Statutes Supplement, 1990; to adopt the Nebraska Uniform Transfers to Minors Act; to harmonize provisions; to eliminate provisions relating to gifts and bequests to minors; to provide severability; and to repeal the original sections, and also sections 43-2201 to 43-2210 and 43-2301 to 43-2305, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 908. Introduced by Moore, 24.

A BILL FOR AN ACT relating to counties; to amend section 23-172, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the adoption of standard codes; and to repeal the original section.

LEGISLATIVE BILL 909. Introduced by Withem, 14; Hartnett, 45.

A BILL FOR AN ACT relating to marriage licenses; to amend section 71-614, Reissue Revised Statutes of Nebraska, 1943; to provide duties for the Department of Health and county clerks regarding amended marriage licenses as prescribed; and to repeal the original section.

LEGISLATIVE BILL 910. Introduced by Schimek, 27; Morrissey, 1; Withem, 14.

A BILL FOR AN ACT relating to elections; to amend section 32-221, Reissue Revised Statutes of Nebraska, 1943, section 60-4,181, Revised Statutes Supplement, 1990, and section 60-484, Revised Statutes Supplement, 1991; to authorize voter registration when obtaining or changing a motor vehicle operator's license or state identification card as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 911. Introduced by Schimek, 27; Crosby, 29; Dierks, 40.

A BILL FOR AN ACT relating to animal control; to authorize animal control officers to issue citations as prescribed; and to define terms.

LEGISLATIVE BILL 912. Introduced by Robinson, 16; Hefner, 19.

A BILL FOR AN ACT relating to public power districts; to amend section 70-610, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the payment of election expenses by districts as prescribed; and to repeal the original section.

EASE

The Legislature was at ease from 10:32 a.m. until 11:09 a.m.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 913. Introduced by Haberman, 44; Hefner, 19; Elmer, 38; Peterson, 21; Rogers, 41.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 18-2708, 77-4105, and 77-4106, Reissue Revised Statutes of Nebraska, 1943, and section 77-2704, Revised Statutes Supplement, 1991; to repeal the Local Option Revenue Act; to harmonize provisions; and to repeal the original sections, and also sections 77-27,142 to 77-27,148, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 914. Introduced by Lindsay, 9; Pirsch, 10.

A BILL FOR AN ACT relating to victims and witnesses of crimes; to amend sections 81-1835 and 81-1844, Reissue Revised Statutes of Nebraska, 1943, and section 81-1429, Revised Statutes Supplement, 1990; to increase a fee in criminal proceedings; to provide for distribution of the fee; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 915. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to liquor; to amend section 53-186, Reissue Revised Statutes of Nebraska, 1943; to authorize the consumption of liquor in vehicles upon the public streets, alleys, parking areas, roads, or highways; and to repeal the original section.

LEGISLATIVE BILL 916. Introduced by Natural Resources Committee: R. Johnson, 34, Chairperson; Elmer, 38; Hartnett, 45; Lamb, 43; Morrissey, 1; Schmit, 23.

A BILL FOR AN ACT relating to breeding and controlled shooting areas; to amend section 37-907, Reissue Revised Statutes of Nebraska, 1943; to permit shooting upland game birds and hand-reared mallard ducks during sporting dog trials; and to repeal the original section.

LEGISLATIVE BILL 917. Introduced by Natural Resources Committee: R. Johnson, 34, Chairperson; Beutler, 28; Elmer, 38; Hartnett, 45; Horgan, 4; Lamb, 43; Morrissey, 1; Schmit, 23.

A BILL FOR AN ACT relating to water; to amend section 46-231, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the allotment of water to appropriators for irrigation purposes; and to repeal the original section.

LEGISLATIVE BILL 918. Introduced by Natural Resources Committee: R. Johnson, 34, Chairperson; Elmer, 38; Hartnett, 45; Horgan, 4; Lamb, 43; Morrissey, 1; Schmit, 23.

A BILL FOR AN ACT relating to public building construction; to amend section 52-118, Revised Statutes Supplement, 1990; to change labor and material payment bond requirements; and to repeal the original section.

LEGISLATIVE BILL 919. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to statutes of limitations; to eliminate a provision dealing with trial procedure of the issue of barring by a statute of limitations; and to repeal section 25-221, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 920. Introduced by Baack, 47; Chizek, 31.

A BILL FOR AN ACT relating to public safety telecommunicators; to state a purpose; to define a term; to provide for training and certification of public safety telecommunicators as prescribed; to provide powers and duties for the Nebraska Commission on Law Enforcement and Criminal Justice; and to provide for liability.

LEGISLATIVE BILL 921. Introduced by Baack, 47.

A BILL FOR AN ACT relating to community colleges; to amend section 79-2637, Revised Statutes Supplement, 1991; to redefine the terms full-time equivalent student and credit hour; and to repeal the original section.

LEGISLATIVE BILL 922. Introduced by Chambers, 11; Landis, 46; Schimek, 27.

A BILL FOR AN ACT relating to schools and school districts; to amend section 79-4,140.16, Revised Statutes Supplement, 1990; to define a term; to provide for the development and implementation of multicultural education programs as prescribed; to provide powers and duties for school districts and the State Department of Education; to provide for rules and regulations; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 923. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to elections; to amend sections 29-112 and 32-1048, Reissue Revised Statutes of Nebraska, 1943; to allow felons to be eligible to vote as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 924. Introduced by Pirsch, 10.

A BILL FOR AN ACT relating to the Nebraska Crime Victim's Reparations Act; to amend sections 77-27,119.01 and 81-1835, Reissue Revised Statutes of Nebraska, 1943, and section 37-439, Revised Statutes Supplement, 1990; to provide a separate space on the individual income tax form for refunds to be contributed to the Victim's Compensation Fund; to change provisions relating to distribution of contributions as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 925. Introduced by Pirsch, 10.

A BILL FOR AN ACT relating to the Board of Parole; to amend sections 83-189, 83-196, and 83-1,111, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to qualifications of board members as prescribed; to change provisions relating to meetings, hearings, and reviews conducted by the board as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 926. Introduced by Schimek, 27; Will, 8.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-121.01, Revised Statutes Supplement, 1990; to change the maximum weekly income benefit; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 927. Introduced by Lamb, 43.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend section 37-110, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to payments in lieu of taxes on property acquired by the commission for wildlife management purposes as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 928. Introduced by Will, 8.

A BILL FOR AN ACT relating to handicapped or disabled persons; to amend sections 18-1738 to 18-1740, Reissue Revised Statutes of Nebraska, 1943; to provide for the issuance of parking permits by county clerks in counties in which a city of the metropolitan class is located; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 929. Introduced by Robak, 22; Conway, 17; Cudaback, 36; Hartnett, 45; Rogers, 41; Schmit, 23.

A BILL FOR AN ACT relating to the State Racing Commission; to amend section 2-1201, Reissue Revised Statutes of Nebraska, 1943; to increase the number of members serving on the commission; to change provisions relating to residency and political affiliation; and to repeal the original section.

LEGISLATIVE BILL 930. Introduced by Nebraska Retirement Systems Committee: Nelson, 35, Chairperson; Abboud, 12; Crosby, 29; Elmer, 38; Moore, 24; Schmit, 23.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out a study of retirement systems authorized and regulated by Nebraska law.

LEGISLATIVE BILL 931. Introduced by Nelson, 35; Bohlke, 33; Byars, 30; Wickersham, 49.

A BILL FOR AN ACT relating to museums; to amend section 51-511, Reissue Revised Statutes of Nebraska, 1943, and section 51-509, Revised Statutes Supplement, 1990; to change a reporting date; to change and eliminate provisions relating to transfers of museum property; to provide for funds realized from such transfers; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 932. Introduced by Nelson, 35.

A BILL FOR AN ACT relating to labor; to amend section 48-1230, Reissue Revised Statutes of Nebraska, 1943; to provide methods for the payment of employee wages; and to repeal the original section.

LEGISLATIVE BILL 933. Introduced by Nelson, 35; Lynch, 13.

A BILL FOR AN ACT relating to motor vehicles; to amend section 18-1737, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to traffic infractions for improperly parking in an onstreet parking space designated exclusively for handicapped or disabled persons; and to repeal the original section.

LEGISLATIVE BILL 934. Introduced by Nebraska Retirement Systems Committee: Nelson, 35, Chairperson; Abboud, 12; Crosby, 29; Elmer, 38; Moore, 24; Schmit, 23.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2306, 23-2317, 23-2319, 23-2320, 48-1401, 84-1323.01, 84-1504, and 84-1508, Reissue Revised Statutes of Nebraska, 1943, section 84-1307, Revised Statutes Supplement, 1990, and sections 24-703 and 84-1321, Revised Statutes Supplement, 1991; to require members of certain retirement systems to file enrollment cards; to change provisions relating to benefits for county and state employees, the resumption of employment by county employees, the credit of certain fees to the judges retirement system, disability retirement of state employees, and deferred compensation for county and state employees; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 935. Introduced by Crosby, 29; Bohlke, 33; Schrock, 39.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-416, Revised Statutes Supplement, 1991; to provide for suspension of an operator's license issued pursuant to the Motor Vehicle Operator's License Act and driving privileges for certain offenses involving controlled substances as prescribed; and to repeal the original section.

LEGISLATIVE BILL 936. Introduced by Will, 8.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-151, Reissue Revised Statutes of Nebraska, 1943; to redefine the term occupational disease to include cumulative trauma; and to repeal the original section.

LEGISLATIVE BILL 937. Introduced by Pirsch, 10; Chizek, 31.

A BILL FOR AN ACT relating to childhood sexual abuse; to amend sections 25-212 and 25-213, Reissue Revised Statutes of Nebraska, 1943; to establish a statute of limitations for civil actions based on childhood sexual abuse; to define terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 938. Introduced by Cudaback, 36.

A BILL FOR AN ACT relating to county treasurers; to amend sections 33-114, 70-651.04, 77-1240.01, 77-1704, 77-1706, and 77-2208, Reissue Revised Statutes of Nebraska, 1943, and section 60-311, Revised Statutes Supplement, 1990; to change provisions relating to fees; to change provisions relating to the issuance of license plates; to change distribution provisions for the gross revenue tax; to provide for allocation of tax revenue from prior years; to change provisions relating to entries on receipts for payment of taxes; to change provisions relating to the number of receipts the county treasurer makes for payment of taxes and submission to the county clerk of such payments; and to repeal the original sections.

LEGISLATIVE BILL 939. Introduced by Schimek, 27; Beutler, 28; Crosby, 29.

A BILL FOR AN ACT relating to liquors; to amend section 53-186, Reissue Revised Statutes of Nebraska, 1943; to change provisions regulating the consumption of alcoholic liquor on public property and the issuance of licenses; and to repeal the original section.

LEGISLATIVE BILL 940. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to divorce; to amend section 42-372, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to when a divorce decree becomes final; to provide severability; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 941. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to city planning and zoning; to amend section 14-411, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to the power of the zoning board of appeals as prescribed; and to repeal the original section.

LEGISLATIVE BILL 942. Introduced by Conway, 17; Chizek, 31; Crosby, 29; Wickersham, 49.

A BILL FOR AN ACT relating to motor vehicles; to provide for the issuance of special license plates to active members of the Nebraska National Guard; to provide fees; and to provide an operative date.

LEGISLATIVE BILL 943. Introduced by Wehrbein, 2; Bernard-Stevens, 42; Crosby, 29; Elmer, 38; Hartnett, 45; Hillman, 48; Lindsay, 9; Moore, 24; Nelson, 35; Robak, 22.

A BILL FOR AN ACT relating to appropriations; to state findings; to appropriate funds for grants for automation of certain library operations; and to state intent.

LEGISLATIVE BILL 944. Introduced by Robak, 22.

A BILL FOR AN ACT relating to sickness and accident insurance; to amend section 44-710.17, Reissue Revised Statutes of Nebraska, 1943; to require notice of eligibility for review of restrictive riders or endorsements; and to repeal the original section.

LEGISLATIVE BILL 945. Introduced by Robak, 22.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-123.04 and 53-124, Revised Statutes Supplement, 1991; to permit wine sampling in certain retail outlets as prescribed; and to repeal the original sections.

RESOLUTIONS

LEGISLATIVE RESOLUTION 205. Introduced by Schimek, 27; Baack, 47; Bohlke, 33; Chambers, 11; Crosby, 29; Hillman, 48; Labedz, 5; Lindsay, 9; Nelson, 35; Pirsch, 10; Rasmussen, 20; Robak, 22; Schellpeper, 18; Wesely, 26; Will, 8.

WHEREAS, in 1990 the United States Equal Employment Opportunity Commission received over 5,600 sexual harassment complaints; and

WHEREAS, the Nebraska Equal Opportunity Commission received 64 complaints in fiscal year 1989-90; and

WHEREAS, sexual harassment results in absenteeism, employee turnover, lower productivity, and monetary loss in the workplace; and

WHEREAS, the definition of sexual harassment as found in the Nebraska Revised Statutes may need to be reviewed and refined; and

WHEREAS, increasing the level of awareness regarding the occurrence of sexual harassment in the workplace is a desirable goal; and

WHEREAS, creating an environment where there is a change of attitude toward those who come forward regarding sexual harassment so as to not be further harassed by the "system" is important; and

WHEREAS, assessing the difficulties of filing, investigating, and prosecuting a sexual harassment claim is appropriate in light of the time delays experienced, lack of support for the claimant, and financial restrictions involved; and

WHEREAS, a workplace free of harassment is important to governmental agencies, businesses, and employees.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a select committee of women legislators be established for the purpose of conducting a public hearing regarding the issue of sexual harassment in the workplace.
2. That the select committee may petition the Executive Board of the Legislative Council for funds, if necessary, to bring in expert testimony at the public hearing.
3. That the select committee shall, if appropriate, develop specific recommendations designed to create and maintain a workplace free of harassment.

Laid over.

LEGISLATIVE RESOLUTION 206CA. Introduced by Will, 8.

A Resolution to propose amending the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the general election in November 1992 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska to amend Article IV, section 13:

CIV-13 "The Legislature shall provide by law for the establishment of a Board of Parole and the qualifications of its members. ~~Said~~ Such board, or a majority thereof, shall have power to grant paroles after conviction and judgment, under such conditions as may be prescribed by law, for any offenses committed against the criminal laws of this state except treason and cases of impeachment. The Governor~~, Attorney General and Secretary of State, sitting as a board,~~ shall have the power to remit fines and forfeitures and to grant respites, reprieves, pardons, or commutations in all cases of conviction for offenses against the laws of the state~~;~~ except treason and cases of impeachment. The Board of Parole may advise the Governor~~, Attorney General and Secretary of State~~ on the merits of any application for remission, respite, reprieve, pardon, or commutation, but such advice shall not be binding on ~~them~~ the Governor. The Governor shall have the power to suspend the execution of the sentence imposed for treason until the case can be reported to the Legislature at its next session~~;~~ when the Legislature shall ~~either~~ grant a pardon, ~~or~~ commute the sentence, ~~or~~ direct the execution of the sentence, or grant a further reprieve.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

> "A constitutional amendment to eliminate a board and to grant the Governor the power to remit fines and forfeitures and to grant respites, reprieves, pardons, or commutations in all cases of conviction for offenses against the laws of the state except treason and cases of impeachment.
> For
> Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 207CA. Introduced by Chambers, 11.

A resolution to propose amending the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the general election in November 1992 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska to amend Article VI, section 2:

CVI-2 "No person shall be qualified to vote who is non compos mentis~~;~~ or who has been convicted of treason ~~or felony~~ under the laws of the state or of the United States~~;~~ unless restored to civil rights.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

> "A constitutional amendment to allow persons convicted of a felony to vote.
> For
> Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 208CA. Introduced by Pirsch, 10; Chambers, 11; Withem, 14.

A resolution to propose amending the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the general election in November 1992 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska to amend Article VI, section 1:

CVI-1 "Every citizen of the United States who ~~has attained the age of~~ is eighteen years of age or older ~~on or before the first Tuesday after the first Monday in November~~ and has resided within the state and the county and voting precinct for the terms provided by law shall, except as provided in section 2 of this article, be an elector. Every citizen of the United States who has resided within the state and the county and voting precinct for the terms provided by law and who is not eighteen years of age but who will be eighteen years of age on or before the first Tuesday after the first Monday in November shall, except as provided in section 2 of this article, be an elector for the calendar year in which such citizen ~~has attained~~ attains the age of eighteen years and for all succeeding calendar years.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to give persons who are or will be eighteen years of age at the time of an election held after a statewide general election the right to vote at the subsequent election.
For
Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 209. Introduced by Crosby, 29.

WHEREAS, Union College is celebrating its centennial year of providing strong support and excellence in education to the community of Lincoln and the State of Nebraska; and

WHEREAS, Union College is well-known for its local involvement, and it is also making great progress for human relations in Brazil, East Germany, the former Soviet Union, the Marshall Islands, and Africa.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature acknowledges the dedicated efforts of the students of Union College in helping to shape the future of the world.

2. That the Legislature expresses the fullest possible measure of appreciation to the administration and alumni of this fine establishment for their diligence and caring attitudes.

3. That the planners, builders, and sustainers of Union College be warmly thanked for the college's existence.

4. That a copy of this resolution be sent to the President of Union College, John G. Kerbs.

Laid over.

LEGISLATIVE RESOLUTION 210. Introduced by Wesely, 26; Ashford, 6; Beutler, 28; Beyer, 3; Hefner, 19; Hillman, 48; Horgan, 4; Lindsay, 9; Nelson, 35; Pirsch, 10; Robak, 22; Schimek, 27.

WHEREAS, the Congress of the United States proposed, as Article 2 of the original Bill of Rights of the Constitution of the United States, an amendment for ratification by the states relating to congressional pay raises which reads as follows: "No law, varying the compensation for the services of the senators and representatives, shall take effect until an election of representatives shall have intervened."; and

WHEREAS, the amendment has been ratified by thirty-five states since it was first submitted in 1789, making it just three states short of the necessary three-fourths majority for passage; and

WHEREAS, the State of Nebraska is one of the fifteen states which have not yet voted to ratify what could become the Twenty-seventh Amendment of the Constitution of the United States; and

WHEREAS, Article III, section 19, of the Constitution of Nebraska provides for the postponement of legislative pay raises until after the next legislative election.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the amendment to the Constitution of the United States relating to congressional pay raises is hereby ratified.

2. That copies of this resolution duly certified by the Secretary of State with the Great Seal of Nebraska attached thereto shall be forwarded by the Secretary of State to the Administrator of General Services, Washington,

D.C., and to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States.

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 211CA. Introduced by Pirsch, 10; Ashford, 6; Byars, 30; Dierks, 40; Haberman, 44; Hefner, 19; Schimek, 27.

A resolution to propose amending the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the general election in November 1992 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska to add a new section 28 to Article I:

CI-28 "The victim of a crime, as defined by law, or his or her guardian or representative shall have the right to be informed of and to be present at all criminal justice proceedings and to be personally heard at sentencings and dispositions and, when relevant, at other criminal justice proceedings. The rights granted in this section shall be subject to the same rules which govern the defendant's rights. A victim of a crime or his or her guardian or representative shall have standing to enforce the rights granted in this section but shall not have standing to participate as a party to a criminal proceeding or to contest the disposition of any charge. The Legislature shall provide by law for the enforcement of this section.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to grant rights to the victim of a crime or his or her guardian or representative in criminal justice proceedings; and to require the Legislature to provide for enforcement of the rights.
For
Against".

Referred to the Reference Committee.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Sec. 8, LR 205 was referred to the Reference Committee.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 946. Introduced by Coordsen, 32; Ashford, 6.

A BILL FOR AN ACT relating to legislative districts; to amend section 50-1152, Revised Statutes Supplement, 1991; to change an operative date; to change provisions relating to representation as prescribed; to repeal the original section; and to declare an emergency.

EASE

The Legislature was at ease from 11:23 a.m. until 11:40 a.m.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 947. Introduced by Schrock, 39; Bernard-Stevens, 42; Bohlke, 33; Byars, 30; Crosby, 29; Cudaback, 36; Horgan, 4; Wickersham, 49.

A BILL FOR AN ACT relating to hospital districts; to amend section 23-3552, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to an optional tax levy; to exempt certain tax levies from a limitation as provided; and to repeal the original section.

LEGISLATIVE BILL 948. Introduced by Schrock, 39; Baack, 47; Bernard-Stevens, 42; Bohlke, 33; Byars, 30; Crosby, 29; Cudaback, 36; Dierks, 40; Elmer, 38; Haberman, 44; Hartnett, 45; Hillman, 48; Horgan, 4; R. Johnson, 34; Kristensen, 37; Lamb, 43; Lynch, 13; Moore, 24; Nelson, 35; Schmit, 23; Wickersham, 49.

A BILL FOR AN ACT relating to water; to authorize the delivery of stored water for irrigation purposes to lands not described in the appropriate permits subject to specified conditions; and to declare an emergency.

LEGISLATIVE BILL 949. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to state employees; to eliminate certain prohibitions on cross-employment; and to repeal sections 68-701.03, 83-101.09, and 83-903, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 950. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to cities and villages; to amend section 19-412, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to salary in the commission form of government as prescribed; and to repeal the original section.

LEGISLATIVE BILL 951. Introduced by Schimek, 27; Rasmussen, 20; Will, 8.

A BILL FOR AN ACT relating to employment practices; to prohibit an employer from discriminating against an employee or prospective employee in hiring or dismissal based on the person's participation in lawful activities or consumption of lawful products as prescribed; to provide for damages; and to provide exceptions.

LEGISLATIVE BILL 952. Introduced by Dierks, 40; Coordsen, 32; Crosby, 29; Elmer, 38; R. Johnson, 34; Pirsch, 10.

A BILL FOR AN ACT relating to invasion of privacy; to amend sections 20-203 and 20-205, Reissue Revised Statutes of Nebraska, 1943; to provide a penalty; to eliminate a cause of action; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 953. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to county attorneys; to amend section 23-1201.01, Reissue Revised Statutes of Nebraska, 1943, and section 32-308, Revised Statutes Supplement, 1990; to provide for an election on the question of appointing or electing county attorneys in certain counties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 954. Introduced by Dierks, 40; Lamb, 43.

A BILL FOR AN ACT relating to livestock forage vehicles; to amend section 39-6,100, Revised Statutes Supplement, 1990; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 955. Introduced by Dierks, 40; Coordsen, 32.

A BILL FOR AN ACT relating to income tax; to amend section 77-2734.05, Reissue Revised Statutes of Nebraska, 1943; to change the method of computing taxable income for unitary business; to eliminate a provision relating to weighting; to provide an operative date; and to repeal the original section, and also section 77-2734.16, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 956. Introduced by Dierks, 40; Coordsen, 32.

A BILL FOR AN ACT relating to income tax; to amend sections 77-2734.05 and 77-2734.15, Reissue Revised Statutes of Nebraska, 1943; to change the method of computing taxable income for unitary business from a three-factor formula to a two-factor formula; to eliminate a provision relating to weighting; to harmonize provisions; to provide an operative date; and to repeal the original sections, and also section 77-2734.16, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 957. Introduced by Abboud, 12.

A BILL FOR AN ACT relating to parole; to amend sections 83-1,110, 83-1,116, 83-1,122, and 83-1,123, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to eligibility for, conditions of, and violations of parole as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 958. Introduced by Horgan, 4; Schimek, 27; Rasmussen, 20; Ashford, 6; Bohlke, 33; Crosby, 29; Cudaback, 36; Hartnett, 45; Lynch, 13.

A BILL FOR AN ACT relating to rules of the road; to amend sections 39-669.26, 39-6,103.06 to 39-6,103.08, 39-6,171, 60-311.15, 71-1907, and 79-488.07, Reissue Revised Statutes of Nebraska, 1943, and sections 39-602 and 39-6,103.01, Revised Statutes Supplement, 1990; to require the use of an occupant protection system; to define terms; to change a provision relating to the point system; to provide a penalty; to provide exceptions; to harmonize provisions; to eliminate a provision relating to enforcement of safety belt requirements; and to repeal the original sections, and also section 39-6,103.05, Reissue Revised Statutes of Nebraska, 1943.

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 678 in the Journal. No objections. So ordered.

AM2353

(Amendments to Standing Committee amendments, AM0515)

1. Strike the original amendments and insert the following new amendments:

"1. Strike original section 4 and insert the following new section:

'Section 1. That section 29-3703, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-3703. (1) The court which tried a person who is found not responsible by reason of insanity shall annually and may upon its own motion or upon motion of the person or the prosecuting attorney~~,~~ review the records of such person and conduct an evidentiary hearing on the status of the person.

(2) If as a result of such hearing the court finds that such person is no longer dangerous to himself, herself, or others by reason of mental illness ~~or defect,~~ and will not be so dangerous in the foreseeable future, the court shall order such person unconditionally released from further confinement. If the court does not so find, the court shall order such person ~~returned to~~ placed in an appropriate ~~facility~~ treatment program under an appropriate treatment plan and conditions ~~of confinement~~ consistent with the safety of the public. The treatment program may be any public or private facility or program which offers treatment for mental illness and may include an inpatient, residential, day, or outpatient setting. The court ~~may~~ shall place the person in a less restrictive treatment setting ~~only~~ if it finds that such placement is consistent with the safety of the public and the treatment needs of the person.'.

2. On page 2, line 7, strike '2' and insert '3'; and in line 9 strike 'Outpatient' and insert 'Commitment to outpatient'.

3. On page 3, line 23, after the period insert 'The department shall consult with consumer and family advocacy groups in the development and presentation of the training.'.

4. On page 7, line 14, strike 'jail,' and strike the second comma.

5. On page 9, line 20, strike '2 and 4 to' and insert '3, 5, and'; and in line 22 after 'sections' insert '29-3703,'.

6. Renumber the remaining sections accordingly.".

Mr. Coordsen asked unanimous consent to print the following amendment to LB 562 in the Journal. No objections. So ordered.

AM2346

(Amendments to Standing Committee amendments, AM0407)

1. On page 2, line 9, after the first comma insert "line 1, strike '1992' and insert '1993'; in" and strike the second comma.

Mr. Hall asked unanimous consent to print the following amendment to LR 186CA in the Journal. No objections. So ordered.

AM2360

(Amendments to Final Reading copy)

1. Strike beginning on page 1, line 1, through page 8, line 12, and insert:

"A resolution to propose amending the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the primary election in May 1992 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska to amend Article VIII, section 1:

CVIII-1 'The necessary revenue of the state and its governmental subdivisions shall be raised by taxation in such manner as the Legislature may direct. Taxes shall be levied by valuation uniformly and proportionately upon all ~~tangible~~ real property and franchises, except that~~: (1) The Legislature may provide for a different method of taxing motor vehicles and may also establish a separate class of motor vehicles consisting of those owned and held for resale~~

~~by motor vehicle dealers which shall be taxed in the manner and to the extent provided by the Legislature and may also establish a separate class for trucks, trailers, semitrailers, truck-tractors, or combinations thereof, consisting of those owned by residents and nonresidents of this state, and operating in interstate commerce, and may provide reciprocal and proportionate taxation of such vehicles; PROVIDED, that such tax proceeds from motor vehicles taxed in each county shall be allocated to the state, counties, townships, cities, villages, and school districts of such county in the same proportion that the levy of each bears to the total levy of the county on personal tangible property; and~~ ~~(2)~~ the Legislature may provide that agricultural land and horticultural land, as defined by the Legislature, shall constitute a separate and distinct class of property for purposes of taxation and may provide for a different method of taxing agricultural land and horticultural land which results in values that are not uniform and proportionate with all other ~~tangible~~ real property and franchises but which results in values that are uniform and proportionate upon all property within the class of agricultural land and horticultural land. The Legislature may enact laws to provide that the value of land actively devoted to agricultural or horticultural use shall for property tax purposes be that value which such land has for agricultural or horticultural use without regard to any value which such land might have for other purposes or uses and may prescribe standards and methods for the determination of the value of real ~~or other tangible~~ property at uniform and proportionate values. The Legislature may provide for a different method of taxing motor vehicles and may also establish a separate class of motor vehicles consisting of those owned and held for resale by motor vehicle dealers which shall be taxed in the manner and to the extent provided by the Legislature and may also establish a separate class for trucks, trailers, semitrailers, truck-tractors, or combinations thereof, consisting of those owned by residents and nonresidents of this state, and operating in interstate commerce, and may provide reciprocal and proportionate taxation of such vehicles. The tax proceeds from motor vehicles taxed in each county shall be allocated to the counties, townships, cities, villages, and school districts of such county in the same proportion that the levy of each bears to the total levy of the county on taxable property. Taxes uniform as to class of property or the ownership or use thereof may be levied by valuation or otherwise upon classes of intangible property as the Legislature may determine, and such intangible property held in trust or otherwise for the purpose of funding pension, profit-sharing, or other employee benefit plans as defined by the Legislature may be declared exempt from taxation. Taxes other than property taxes may be authorized by law. Existing revenue laws shall continue in effect until changed by the Legislature. The Legislature may provide that livestock shall constitute a separate and distinct class of property for purposes of taxation and may further provide for reciprocal and proportionate taxation of livestock located in this state for only part of a year.'.

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

> 'A constitutional amendment to require that taxes be levied by valuation uniformly and proportionately on all real property and franchises, to restate provisions dealing with taxation of motor vehicles, and to remove personal property from uniformity and proportionality requirements.
>
> For
>
> Against'.".

Mr. Hall asked unanimous consent to print the following amendment to LB 140 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM2355.)

Mr. Schellpeper asked unanimous consent to print the following amendment to LB 398 in the Journal. No objections. So ordered.

AM0551

(Amendments to Standing Committee amendments, AM0283)

1. Insert the following new section:

"Sec. 4. That section 2-219, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-219. No person shall be permitted to sell intoxicating liquors, wine, or beer of any kind, or exhibit or conduct indecent shows or dances, or be engaged in any gambling or other games of chance or horseracing, either inside the enclosure where any state, district, or county agricultural society fair is being held or within forty rods thereof, during the time of holding such fairs. Nothing in this section shall be construed to prohibit wagering on the results of horseraces by the parimutuel or certificate method when conducted by licensees within the racetrack enclosure at licensed horserace meetings or to prohibit the operation of ~~bingo games~~ games of chance as ~~provided in the Nebraska Bingo Act~~ authorized by and conducted pursuant to Chapter 9. Nothing in this section shall be construed to prohibit the sale of intoxicating liquors, wine, or beer by a person properly licensed pursuant to Chapter 53 on premises under the control of the State Board of Agriculture or any county agricultural society. Any person who violates this section shall be guilty of a Class V misdemeanor. The trial of speed of horses under direction of the society shall not be included in the term horseracing. Upon the filing of proof with the State Treasurer of a violation of this section inside the enclosure of such fair, the amount of money appropriated shall be withheld from any money appropriated for the ensuing year.".

2. Renumber section 4 as section 5.

3. Strike amendment 3 and insert the following new amendment:

"3. On page 3, line 5, after 'original' insert 'sections 2-219 and 2-229, Reissue Revised Statutes of Nebraska, 1943, and'; and in line 6 strike 'is' and insert 'are'.".

Mr. Wehrbein asked unanimous consent to print the following amendment to LB 275 in the Journal. No objections. So ordered.

AM2323

(Amendments to Standing Committee amendment, AM0254)

1. Insert the following new amendment:

"2. On page 6, line 7, strike '1992' and insert '1993'.".

2. Renumber the remaining amendments accordingly.

Mr. Chizek asked unanimous consent to print the following amendment to LB 523 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM2343.)

Mr. Withem asked unanimous consent to print the following amendment to LB 245 in the Journal. No objections. So ordered.

AM2363

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. (1) The Legislature finds and declares that:

(a) The public school system in Nebraska is a one-billion-dollar enterprise which demands accountability to parents, to taxpayers, to employers, and, most importantly, to students;

(b) Nebraska is in need of a balanced, accurate, and reliable system of indicators describing the inputs, processes, and outcomes of the public school system;

(c) Nebraska needs to establish learner outcomes which match the demands of citizens and workers in the society and economy of the twenty-first century; and

(d) Current state assessment processes do not adequately measure the success or failure of the public schools in helping students master critical learner outcomes; and

(e) Nebraska needs an assessment system which measures success in reaching state goals for learner outcomes.

(2) It is the intent of the Legislature to

establish a process for the (a) identification of state standards for learner outcomes which are critical to the economic and social future of the state and (b) development, through a systematic and comprehensive public process, of a valid, accurate, and educationally sound system of assessing the progress of Nebraska students in achieving those outcomes.

Sec. 2. There is hereby created the Nebraska Schools Accountability Commission. The commission shall consist of fourteen members as follows: Three members of the Legislature appointed by the Executive Board of the Legislative Council; one representative of the Department of Economic Development appointed by the Director of Economic Development; one representative of the State Department of Education selected by the State Board of Education; one representative of the Governor's office, appointed by the Governor; one parent, one public school classroom teacher, one public school administrator, and one public school board member all appointed by the Governor upon the recommendations of associations and organizations representing parents, teachers, school administrators, and school board members; and two representatives of business and industry and two representatives of agriculture, all appointed by the Governor. Members shall be appointed no later than August 15, 1992, and shall serve for the life of the commission. Members shall receive no compensation, but members other than members of the Legislature shall be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1177.

Sec. 3. (1) Phase I of the work of the Nebraska Schools Accountability Commission shall begin September 1, 1992, and end December 31, 1992. Building upon the work of the School Restructuring Commission the focus of Phase I shall be to identify standards for learner outcomes, which standards shall recognize the social and economic needs of the state as well as the strength and diversity of local control of public schools. It is the intent of the Legislature that specific school curricula should continue to be established by the local school boards. The Nebraska Schools Accountability Commission shall report to the

Legislature and the State Board of Education its recommended state standards for learner outcomes by January 1, 1993.

(2) Phase II of the work of the commission shall begin May 1, 1993, and end December 15, 1998. The focus of Phase II shall be to develop a reliable, accurate, and educationally sound method of assessing student progress towards achieving the standards for learner outcomes recommended pursuant to subsection (1) of this section.

Sec. 4. The Nebraska Schools Accountability Commission shall work with the State Department of Education, teachers, school officials, a consortium of other states, and assessment experts to develop a broad based, multiple option system of assessment of student programs in order to achieve state standards for learner outcomes in mathematics, science and reading and language arts. The assessment recommendations of the commission shall annually be presented to the Legislature and to the State Board of Education.

Sec. 5. The Nebraska Schools Accountability Commission shall terminate on July 1, 1998.".

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 959. Introduced by Agriculture Committee: Rogers, 41, Chairperson; Coordsen, 32; Elmer, 38; Morrissey, 1; Schellpeper, 18.

A BILL FOR AN ACT relating to the Weights and Measures Act; to amend sections 89-186 and 89-187, Revised Statutes Supplement, 1991; to change publishing dates of certain federal handbooks adopted by the Legislature; to change the registration fee and device inspection fees for weighing and measuring establishments; and to repeal the original sections.

LEGISLATIVE BILL 960. Introduced by Agriculture Committee: Rogers, 41, Chairperson; Coordsen, 32; Cudaback, 36; Elmer, 38; Hefner, 19; Morrissey, 1; Schellpeper, 18.

A BILL FOR AN ACT relating to the Department of Agriculture; to amend sections 2-4325, 54-849, 54-852, 54-854, 54-855, 54-856, 54-858, 54-859, 54-860, 54-863, 81-2,162.02, 81-2,162.03, 81-2,162.05, 81-2,162.07, 81-2,162.11, 81-2,162.12, 81-2,162.13, 81-2,162.15, 81-2,162.16, 81-2,162.17, 81-2,162.18, 81-2,162.20, 81-2,162.21, 81-2,162.23, 81-2,162.25, 81-2,165, 81-2,166, 81-2,167, 81-2,168, 81-2,169, 81-2,170, 81-2,171, 81-2,173, 81-2,176, 81-2,177.01, 81-2,179, and 81-2,180, Reissue Revised Statutes of Nebraska, 1943, and sections 81-2,147.01 and 81-2,162.06, Revised Statutes Supplement, 1990; to redefine terms; to eliminate provisions relating to the requirements of registration for distribution of commercial feed and commercial fertilizer; to change requirements relating to the application for and the labeling of commercial feed as prescribed; to correct the name of an association; to change provisions relating to filing of a report by distributors of commercial feed, fertilizer, or soil conditioners; to name the Nebraska Apiary Act; to change a time period relating to infected bees; to provide for a hearing for violations of the act; and to provide for a duty for the Attorney General or county attorneys as prescribed; to prohibit certain acts with relation to unregistered bees; to harmonize provisions; and to repeal the original sections, and also section 54-851, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 961. Introduced by Agriculture Committee: Rogers, 41, Chairperson; Coordsen, 32; Cudaback, 36; Elmer, 38; Hefner, 19; Morrissey, 1; Schellpeper, 18.

A BILL FOR AN ACT relating to the Department of Agriculture; to amend sections 2-3505, 2-3901, 2-3905, 2-3906, 2-3912, 54-785, 54-786, 54-788, 54-792, 54-793, 54-796, and 81-262, Reissue Revised Statutes of Nebraska, 1943, and sections 54-2297, 81-2,239, 81-2,240, 81-2,247, 81-2,248, 81-2,250, and 81-2,253, Revised Statutes Supplement, 1991; to change provisions relating to temperature certain shell eggs may be held; to change dates of federal publications adopted by reference in the Nebraska Pasteurized Milk Law; to charge a fee for operating without a permit under the Nebraska Pasteurized Milk Law; to name an act; to change provisions relating to health certificate requirements for certain animals brought into the state; to change provisions relating to the bringing of certain bovine calves into the state; to provide for rules and regulations; to harmonize provisions; to provide for injunctive relief against persons violating or attempting to violate the Animal Importation Act and to provide for additional penalties relating to importation of animals; to define and redefine terms; to provide for an inspection report form after inspection of a food establishment or vending machine operation as prescribed; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 962. Introduced by Landis, 46, Baack, 47, Bohlke, 33, Lindsay, 9, Rogers, 41, Warner, 25, Wesely, 26, Wickersham, 49, at the request of the Governor.

A BILL FOR AN ACT relating to income taxation; to amend sections 77-2715.02 and 77-2715.07, Reissue Revised Statutes of Nebraska, 1943, and section 77-2716.01, Revised Statutes Supplement, 1991; to change provisions relating to rate schedules and computations; to provide for a credit and eliminate the deduction for personal exemptions; to change the computation of standard and itemized deductions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 963. Introduced by Beutler, 28; Hefner, 19.

A BILL FOR AN ACT relating to colleges and universities; to amend Laws 1991, LB 69, section 8; to change an operative date for provisions relating to relinquishment of financial aid by students in intercollegiate athletic programs and sports; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 964. Introduced by Ashford, 6; Abboud, 12; Lindsay, 9; Will, 8.

A BILL FOR AN ACT relating to the Nebraska Commission on Law Enforcement and Criminal Justice; to amend section 81-1423, Reissue Revised Statutes of Nebraska, 1943; to provide powers and duties; and to repeal the original section.

SPEAKER'S ANNOUNCEMENT

The Ninety-Second Legislature, Second Session, will begin on January 8, with sine die tentatively scheduled for Tuesday, April 14. The tentative recess dates are as follows:

Monday, January 20
Friday, February 14
Monday, February 17
Friday, February 28
Monday, March 2
Friday, March 13
Monday, March 16

Friday, March 27
Monday, March 30
Friday, April 10

UNANIMOUS CONSENT - Add Cointroducers

Messrs. Hartnett, Dierks, Lynch, Wickersham, Haberman, Schellpeper, Peterson, Baack, Wehrbein, Robinson, and Byars asked unanimous consent to have their names added as cointroducers to LB 872. No objections. So ordered.

ADJOURNMENT

At 11:53 a.m., on a motion by Speaker Baack, the Legislature adjourned until 10:00 a.m., Thursday, January 9, 1992.

Patrick J. O'Donnell
Clerk of the Legislature

SECOND DAY - JANUARY 9, 1992

LEGISLATIVE JOURNAL

SECOND DAY - JANUARY 9, 1992

LEGISLATIVE JOURNAL

NINETY-SECOND LEGISLATURE
SECOND SESSION

SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 9, 1992

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Moul presiding.

PRAYER

The prayer was offered by Pastor Larry Sullivan, Capitol City Christian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. L. Johnson who was excused; and Messrs. Bernard-Stevens, Conway, Hall, Landis, Morrissey, and Mrs. Labedz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the first day was approved.

MOTION - Adopt Temporary Rules

Mr. Lynch moved that the Rules, as now in our possession, be adopted for today only, Thursday, January 9, 1992.

The motion prevailed.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 858 through 879, legislative resolution 205, and Governor appointments.

LB	Committee
858	General File
859	General File
860	General File
861	General File
862	General File
863	General File
864	General File
865	General File
866	General File
867	General File
868	General File
869	General File
870	General File
871	General File
872	Judiciary
873	Transportation
874	Judiciary
875	Judiciary
876	Business and Labor
877	Business and Labor
878	Business and Labor
879	Business and Labor

LR	Committee
205	LR 205 Committee

Government, Military and Veterans Affairs
Accountability and Disclosure Commission
Linda K. Mai
Rhonda Seacrest

Nancy Thompson - Department of Aeronautics
Carole Woods Harris - State Personnel Board

Natural Resources
Central States Low-Level Nuclear Waste Compact Commission
Richard L. Coyne

Environmental Control Council
Nancy J. Andrews
Dr. Janet Bernard-Stevens
Conrad J. Bohler
Jack Dixon
Paul Fuhrer
Dennis Heermann
Fred E. Hlava
Richard W. Sommer

Donald W. Forney - Nebraska Game and Parks Commission
G. Neale Shaner - Nebraska Gasohol Committee
Erv Friehe - Nebraska Oil and Gas Conservation Commission

Health and Human Services
Gay Angel McTate - Child Abuse Prevention Fund Board

Nebraska Board of Health
Dr. Steven J. Bennett
Barbara J. Christensen
Dr. Richard D. Fitzgerald
Janel T. Foote
Mark B. Horton
Dr. Richard Tempero
Dr. Arthur A. Weaver

State Modular Housing Advisory Board
Roger A. Cross
Gary Rickett

Rural Health Advisory Commission
Marcia L. Freer
Dr. Michael Haller
Faye Schellpeper
Kathy Jo Skogstad
Dr. Michael A. Sitoruis
Roger D. Wells

Education
Nebraska Educational Telecommunications Commission
Judy Schweikart
Nebraska Coordinating Commission for Postsecondary Education
Janice L. Carlson

Dick C.E. Davis
John Emery
Randolph M. Ferlic, M.D.
Sheila Griffin
Jane Renner Hood
Rudi L. Mitchell
Norman Otto
Christine Z. Peterson
Eric R. Seacrest

General Affairs
Nebraska Arts Council
Sonia M. Breslow
Al Davis
Donna N. Williams

Donald N. Dworak - Nebraska Liquor Control Commission
James Livingston - Nebraska Racing Commission

Transportation
Nebraska Motor Vehicle Industry Licensing Board
Nathan L. Love
Robert McLaughlin
Ritchie C. Richardson
Robert L. Spady

Nebraska State Highway Commission
Donna M. Wanitschke
John McLellan, Jr.

Nebraska Railway Council
Frank E. Landis
Kenneth M. Lemke
Larry Sitzman

Allan L. Abbott - Department of Roads Director

Banking, Commerce and Insurance
Dennis Jorgensen - Nebraska Investment Council

(Signed) Jerome Warner, Chairperson
Legislative Council
Executive Board

ATTORNEY GENERAL'S OPINION

Opinion No. 92004

DATE: January 9, 1992

SUBJECT: Separation of Powers Between the Executive and Legislative Branches of Government in Relation to LB 228 (Position of Counsel to the Legislature).

REQUESTED BY: Senator Brad Ashford
Nebraska Legislature

WRITTEN BY: Don Stenberg, Attorney General
Steve Grasz, Deputy Attorney General

You have requested an opinion as to the constitutionality of LB 228 of the Ninety-Second Legislature, First Session (1991). LB 228, as amended, creates the position of Counsel to the Legislature and provides for the powers and duties of such position.

Section two of LB 228 provides in part:

The Counsel to the Legislature shall:

(2) Provide legal representation to any member of the Legislature or staff member when such person is sued or named as a party to litigation in his or her official capacity.

Section three of LB 228 provides:

(1) The Counsel to the Legislature shall, upon the recommendation of the Clerk of the Legislature and by a majority vote of the Executive Board of the Legislative Council, appear in, commence, prosecute, defend, or intervene in any action in any court or agency of this state or of the United States to protect the interests of the Legislature. The counsel may candidly advise the executive board and the clerk concerning the propriety or impropriety of any such action. Expenses incurred in any such action shall be paid from funds appropriated to the clerk for such purpose.

(2) The counsel may provide legal representation to any member of the Legislature or staff member on matters arising in the course of such person's legislative responsibilities.

The foregoing provisions of LB 228 violate the constitutionally mandated separation of powers between the legislative and executive branches of government. Article II, section 1 of the Constitution of the State of Nebraska provides:

> The powers of the government of this state are divided into three distinct departments, the Legislative, Executive and Judicial, and no person or collection of persons being one of these departments, shall exercise any power properly belonging to either of the others, except as hereinafter expressly directed or permitted.

The "doctrine of separation of powers has been strictly construed in the State of Nebraska." Opinion of the Attorney General No. 85-69, April 23, 1985 at 2 (citing State ex rel. Meyer v. State Bd. of Equalization and Assessment, 185 Neb. 490, 176 N.W.2d 920 (1970)). In interpreting Article II, section 1, the Nebraska Supreme Court has stated, "Nebraska's Constitution contains an absolute prohibition upon the exercise of the executive, legislative and judicial powers by the same person or the same group of persons. It has remained a part of the Constitution unchanged since 1875. It is more certain and positive than the provisions of the federal Constitution and those of some of the states, which merely definitely divided the three powers of government." Laverty v. Cochran, 132 Neb. 118, 120-121, 271 N.W. 354 (1937).[1]

The legislative authority of the Unicameral is extensive. However, it is not limitless. "The people of the state, by adopting a Constitution, have put it beyond the power of the legislature to pass laws in violation thereof." State ex rel. Randall v. Hall, 125 Neb. 236, 243, 249 N.W. 756 (1933) (discussing the importance and history of the doctrine of separation of powers). See also Laverty, 132 Neb. at 121. ("{T}he Constitution is still recognized as the supreme law of the state and as a limitation of power of all departments and all officials.").

As the Nebraska Supreme Court stated more than 100 years ago, "It cannot be denied that one great object of written constitutions is to keep the departments of government as distinct as possible; and for this purpose to impose restraints designed to have that effect." State ex rel. City of Lincoln v. Babcock, 19 Neb. 230, 239, 27 N.W. 98 (1886).

In State ex rel. Sorensen, the court stated, "It is an imperative duty of the judicial department of government to protect its jurisdiction at the boundaries of power fixed by the Constitution." 123 Neb. at 114, 242 N.W. at 281. Likewise, it is the duty of the executive branch of government to protect its jurisdiction at the boundaries of power fixed by the Constitution.

Neb.Rev.Stat. §84-205(4) provides the Attorney General shall "when requested by . . . the Legislature, appear for the state and prosecute or defend any action or conduct any investigation in which the state is interested or a party, before any court, officer, board, tribunal or commission." Although this statute clearly authorizes the Attorney General to conduct much or all of the litigation contemplated as a potential duty of the Counsel to the Legislature under LB 228, section 84-205(4) is only a codified statement of the executive power which is the subject of the larger issue at hand. At issue is whether LB 228 authorizes the Counsel to the Legislature to exercise powers properly belonging to the executive branch.

Pursuant to Article IV, Section 1 of the Constitution of the State of Nebraska, the Attorney General is an executive officer. See Opinion of the Attorney General No. 89033, April 4, 1989; State ex rel. Caldwell v. Peterson, 153 Neb. 402, 407, 45 N.W.2d 122 (1950); State ex rel. Howard v. Marsh, 146 Neb. 750, 753, 21 N.W.2d 503 (1946). Therefore, the Attorney General has those powers provided in Article IV, section 1 of the Constitution of the State of Nebraska. This section provides that "Officers in the executive department of the state shall perform such duties as provided by law." Id. In Nebraska the "law" includes the common law as well as statutory law.[2] See Neb.Rev.Stat. §49-101 (Reissue 1988); State v. Douglas, 217 Neb. 199, 349 N.W.2d 870 (1984). Thus, the legislature cannot divest the Attorney General of his common law duty to represent the state before the courts, at least where to do so would result in a violation of the separation of powers.[3]

The common law powers of the Attorney General are broad and well recognized. In a 1989 opinion, Attorney General Robert Spire wrote:

> The Attorney General and his designees are vested with broad common law and statutory powers to carry out the duties of the Office. The inherent power and authority of the Attorney General to initiate and defend actions, to make decisions regarding strategy, and to negotiate and enter into settlements was addressed in State Board of Equalization and Assessment, 123 Neb. 259, 242 N.W. 609, (cited with approval in Douglas, 217 Neb. 199, 349 N.W.2d 870). There, the Nebraska Supreme Court held that the Attorney General is the principal law officer of the state. Id. at 262. In this regard, the court stated:
>
>> We find that a late case, which is in line with the weight of authority, is State v. Finch, 128 Kan. 665, 66 A.L.R. 1369, which traces the powers and duties of the Office of the Attorney General at common law from the earliest times to the present time, and holds: 'Ordinarily the Attorney General, both under common law and by statute, is empowered to make any disposition of the state's litigation which he deems for its best interest. (Emphasis added.)
>
> Id. at 261. Moreover, the court stated that the Attorney General is clothed and charged with all common law powers and duties except to the extent that they are limited by statute; and, as the chief law officer of the state, he is authorized to exercise all such power and authority as the public interests may require, absent some express legislative restriction to the contrary. Id. at 261-262 Douglas, 217 Neb. at 237.

These common law powers and duties were later codified by the Nebraska Legislature. Neb.Rev.Stat. §84-202 (Reissue 1987) provides:

> The Department of Justice shall have the general control and supervision of all actions and legal proceedings in which the State of Nebraska may be a party or may be interested, and shall have charge and control of all the legal business of all departments and bureaus of the state, or of any office thereof, which requires the services of attorney or counsel in order to protect the interest of the state. (Emphasis added.)

Opinion of the Attorney General No. 89033, April 10, 1989 at 4.

LB 228 provides that the Counsel to the Legislature shall provide legal representation to members of the legislature and prosecute, defend or intervene in any action in any court to protect the interests of the Legislature. These provisions are in conflict with the constitutional role of the Attorney General as the chief law officer of the state, who is the exclusive legal representative of the state in all litigation with regard to matters of public or statewide interest.

One could conceive of situations in which it might be necessary for the Attorney General to appoint outside counsel to represent the interests of the legislature where a conflict of interest is found to exist. However, even in a contest between the legislature and the executive branch the Attorney General may properly bring an action at the request of the legislature. In State ex rel. Meyer, 185 Neb. 490, 176 N.W.2d 920, the Attorney General brought an action "at the express request of the Legislature" seeking "to have certain appropriations vetoed by the Governor declared void and to uphold certain personal service limitations placed in the appropriation bills by the Legislature." Id. at 491.

Section 2(1) of LB 228 authorizes the Counsel to the Legislature to provide formal legal opinions to any member of the legislature. The danger of the legislative branch providing legal opinions on the constitutionality of its own proposals is apparent, especially when they go beyond providing mere guidance in drafting legislative proposals.[4] Furthermore, it is virtually inevitable the Attorney General would be requested to provide an opinion anyway, whenever a legislator was dissatisfied with the opinion of the Counsel of the Legislature.

In conclusion, "{T}he state attorney general, as chief law officer of the state, is the exclusive legal representative of the state in all litigation with regard to matters of public interest, and he alone has the right to represent the state as to litigation involving a subject matter of statewide interest." Mountain States Legal Foundation v. Costle, 630 F.2d 754, 771 (10th Cir. 1980). See also State v. F.E. & M.V.R.R. Co., 22 Neb. 313, 318, 35 N.W. 178 (1887). The legislative branch may not assume control of such litigation without violating the separation of powers as prescribed in Article II, section 1 of the Constitution of Nebraska.

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[1] The separation of power between the branches of state government has been addressed on numerous occasions by the Nebraska Supreme Court and in prior opinions of the Attorney General. As we previously stated:

> The Constitution of the State of Nebraska adopted the same tripartite separation of powers as the Federal Constitution. In analyzing the distribution of powers as set out in the Constitution of the United States, the United States Supreme Court stated, "The object of the Constitution was to establish three great departments of government: the Legislative, the Executive, and the Judicial departments. The first was to pass the laws, the second, to approve and execute them, and the third to expound and enforce them." Martin v. Hunter's Lessee, 1 Wheat. 304, 4 L.Ed. 97 (1916).

Opinion of the Attorney General No. 87114, December 9, 1987 at 4. See also State ex rel. Howard v. Marsh, 146 Neb. 750, 755, 21 N.W.2d 503 (1946) ("In the tradition of the founders of our national government, by the provisions of the Constitution of Nebraska, the powers of government are divided into three distinct departments, the legislative, the executive, and the judicial.").

As the Nebraska Supreme Court has noted, "The division of governmental powers into executive, legislative and judicial in this country is a subject familiar, not only to lawyers and students, but is a part of the common knowledge of the citizen. It represents, probably, the most important principle of government declaring and guaranteeing the liberties of the people, and has been so considered, at least, since the famous declaration of Montesquieu. . . ." Searle v. Yensen, 118 Neb. 835, 841, 226 N.W. 464 (1929).

> Montesquieu suggested a government with legislative, executive and judicial departments, each independent of the other. The framers of the American Constitution and the people of Nebraska adopted that plan. It has been regarded by statesmen and philosophers as an outstanding advancement in the science of government.

State ex rel. Sorensen v. State Bank of Minatare, 123 Neb. 109, 114, 242 N.W. 278 (1932).

[2] The common law is specifically "adopted and declared to be the law within the State of Nebraska" where it is "applicable and not inconsistent with the Constitution of the United States, with the organic law of this state, or with any law passed or to be passed by the Legislature of this state." Neb.Rev.Stat. §49-101 (Reissue 1988).

In addition to the above statutory provision regarding the common law, the common law authority of the Attorney General has been recognized by the Nebraska Supreme Court. "By the great weight of authority, it is now held that the Attorney General is clothed and charged with all the common-law powers and duties except in so far as they have been limited by statute. . . As the chief law officer of the state, he may, in the absence of some express legislative restriction to the contrary exercise all such power and authority as public interests may from time to time require." State v. State Board of Equalization and Assessment, 123 Neb. 259, 243 N.W. 264 (1932). See also Babcock, 19 Neb. at 239.

[3] As recently as 1984, the Nebraska Supreme Court found the Attorney General has "inherent powers" in addition to those provided by statute. Douglas, 217 Neb. at 237-238. ("We recognize that the Attorney General has some duties which are not purely statutory and are sometimes referred to as the common-law duties of the office.") (citing State Board of Equalization and Assessment, 123 Neb. 259, 243 N.W. 264 (1932)).

Thus, the Nebraska Supreme Court has rejected those decisions holding that constitutional provisions providing for powers and duties "prescribed by law" mean the Attorney General is without common law powers. See, e.g., In re Sharp's Estate, 63 Wis.2d 254, 217 N.W.2d 258, 262 (Wis. 1974) Shute v. Frohmiller, 53 Ariz. 483, 90 P.2d 998, 1001 (Ariz. 1939). Instead, Nebraska follows the majority rule as recently set forth in Ex parte Weaver, 570 So.2d 675 (Ala. 1990).

> Article V, Sec. 137, of the Alabama Constitution provides: "The attorney general . . . shall perform such duties as may be prescribed by law." It has been suggested that this wording restricts the authority of the attorney general. However, this is not the general rule. The Supreme Court of Utah in Hansen v. Barlow, 23 Utah 2d 47, 456 P.2d 177 (1969), adopted the reasoning of the Supreme Court of Montana in State ex rel. Olsen v. Public Service Comm'n, 129 Mont. 106, 283 P.2d 594 (1955), as to the general rule. The Utah Supreme Court noted that Article VII, Sec. 18 of the Utah Constitution provides: "The Attorney General shall be the legal adviser of the State Officers and shall perform such other duties as may be provided by Law." 23 Utah 2nd at 48, 456 P.2d at 178. This section of the Utah Constitution is similar to Article V, Sec. 137, of the Alabama Constitution. The Utah Supreme Court, as the Montana Supreme Court had done, reasoned that this language, rather than limiting the powers of the attorney general, grants the attorney general the powers that were held by him at common law:
>
> > "It is the general consensus of opinion that in practically every state of this Union whose basis of jurisprudence is the common law, the office of attorney general, as it existed in England, was adopted as a

> part of the governmental machinery, and that in the absence of express restrictions, the common-law duties attach themselves to the office so far as they are applicable and in harmony with our system of government."

Id. at 684, quoting Hansen v. Barlow, 23 Utah 2d 47, 456 P.2d 177, 178 (1969).

Whether the common law powers embedded in the office of the Attorney General are subject to legislative modification as in some jurisdictions, see Padgett v. Williams, 82 Idaho 28, 348 P.2d 944, 948 (Idaho 1960), or whether such common law powers are immune from legislative change, see E.P.A. v. Pollution Control Bd., 372 N.E.2d 50, 51-52 (Ill. 1977); People v. Daniels, 69 Ill.2d 394, 132 N.E.2d 507, 509 (Ill. 1956), need not be addressed in determining the constitutionality of LB 228 since even where modification of common law powers is permitted, the legislative branch cannot modify the duties of the Attorney General in a way which violates the constitutionally mandated separation of powers. See Murphy v. Yates, 276 Md. 475, 348 A.2d 837, 846 (1975) ("If an office is created by the Constitution, and specific powers are granted or duties imposed by the Constitution, although additional powers may be granted by statute, the position can neither be abolished by statute nor reduced to impotence by the transfer of duties characteristic of the office to another office created by the legislature . . . We regard this as but another facet of the principle of separation of powers. . . .").

[4] The separation of powers does not preclude the legislature from seeking legal advice from sources other than the Attorney General in all situations. One could even conceive of situations in which certain legal opinions by a Counsel to the Legislature could be constitutionally permissible. However, in the context of opinion requests from state senators to the Attorney General we have previously stated:

> It would serve no valid legislative purpose to issue an opinion to a legislator concerning the interpretation and enforcement of a particular statute, when the Legislature has no authority in this regard. This responsibility is the function of the executive branch of the government and under our separation of powers doctrine it is essential that no one branch encroach upon the powers reserved to another. See State ex rel. Beck v. Young, 154 Neb. 588, 48 N.W.2d 677 (1951).
>
> Likewise, it would be inappropriate and serve no valid legislative purpose to comment to a legislator upon a particular interpretation of an existing law adopted and applied by the executive branch of government.

Opinion of the Attorney General No. 85-157, December 20, 1985 at 2.

As to opinions concerning pending or proposed legislation, "Neb.Rev.Stat. §84-205(3) (Reissue 1981) provides that one of the duties of the Attorney General shall be 'To give, when required, without fee, his opinion in writing upon all questions of law submitted to him by . . . the Legislature.' The general duty of the Attorney General to issue such opinions has been interpreted by the Supreme Court to mean that state officers are entitled to advice upon questions of law which arise 'in the discharge of their duties.'" Follmer v. State, 94 Neb. 217, 142 N.W. 908 (1913). "This office has likewise historically viewed its responsibility to issue opinions in this same light." Opinion of the Attorney General No. 85-157, December 20, 1985 at 1. Thus, the scope of constitutionally permissible legal opinions by a Counsel to the Legislature is quite limited.

Sincerely yours,
DON STENBERG
Attorney General
(Signed) Steve Grasz
Deputy Attorney General

UNANIMOUS CONSENT - Add Cointroducer

Mr. Beutler asked unanimous consent to have his name added as cointroducer to LB 881. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. R. Johnson asked unanimous consent to print the following amendment to LB 406 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM2326.)

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 965. Introduced by Executive Board: Warner, 25, Chairperson; Baack, 47; Chambers, 11; Haberman, 44; Hefner, 19; Lindsay, 9; Schimek, 27; Wehrbein, 2.

A BILL FOR AN ACT relating to the Legislature; to amend sections 66-802, 66-812, 66-813, 81-650, 84-120, and 84-121, Reissue Revised

Statutes of Nebraska, 1943; to change provisions relating to legislative committees; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 966. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to elections; to amend sections 32-216 and 32-224.01, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to lists of registered voters; to provide fees; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 967. Introduced by Withem, 14.

A BILL FOR AN ACT relating to workers' compensation insurance; to provide that premium rates not be based entirely on percentage of payroll; and to authorize rules and regulations.

LEGISLATIVE BILL 968. Introduced by Withem, 14.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend section 31-727.03, Revised Statutes Supplement, 1991; to change provisions relating to the required statement of the district as prescribed; and to repeal the original section.

LEGISLATIVE BILL 969. Introduced by Peterson, 21.

A BILL FOR AN ACT relating to buildings and land; to amend sections 72-811, 72-812, 72-813, 81-159, 81-161.03, 81-1108.15, 81-1108.22, 81-1108.41, 81-1114, and 81-1118.03, Reissue Revised Statutes of Nebraska, 1943; to redefine terms; to change the membership of the Vacant Building and Excess Land Committee; to change provisions relating to the purchase and lease of property by and for state agencies; to provide powers and duties for the Committee on Building Maintenance and the Department of Administrative Services; and to repeal the original sections.

LEGISLATIVE BILL 970. Introduced by Cudaback, 36.

A BILL FOR AN ACT relating to the Uniform Licensing Law; to amend section 71-161.09, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to continuing education requirements; and to repeal the original section.

RESOLUTION

LEGISLATIVE RESOLUTION 212CA. Introduced by Abboud, 12.

A resolution to propose amending the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the general election in November 1992 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska to amend Article III, section 14:

CIII-14 "Every bill and resolution shall be read by title when introduced, and a printed copy thereof shall be provided for the use of each member. Before the vote is taken upon the final passage of any bill, a printed copy of ~~, and~~ the bill and all amendments thereto shall be ~~printed and read at large before the vote is taken upon its final passage~~ provided for the use of each member and shall be read by title unless a reading at large is demanded by one-fifth of the members present. No ~~such~~ vote upon the final passage of any bill shall be taken~~;~~ however, until five legislative days after its introduction nor until it has been on file for final reading and passage for at least one legislative day.

No bill shall contain more than one subject, and the same shall be clearly expressed in the title. ~~And no~~ No law shall be amended unless the new act ~~contain~~ contains the section or sections as amended, and the section or sections so amended shall be repealed.

The Lieutenant Governor, or the Speaker if acting as presiding officer, shall sign, in the presence of the Legislature while the same is in session and capable of transacting business, all bills and resolutions passed by the Legislature.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to permit the Legislature to vote upon final passage of a bill when the bill and all amendments thereto are provided for the use of each member and read by title unless a reading at large is demanded by one-fifth of the members present.

For

Against".

Referred to the Reference Committee.

GENERAL FILE

LEGISLATIVE BILL 398. Title read. Considered.

Standing Committee amendment, AM0283, found in the Journal on page 720, First Session, 1991, was considered.

Mr. Schellpeper withdrew his pending amendment, AM0551, found in the Journal on page 917, First Session, 1991, and reprinted on page 158, Second Session, 1992.

Mr. Schellpeper offered the following amendment to the Standing Committee amendment:
AM2365

1. Insert the following new section:

"Sec. 4. That section 2-219, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-219. No person shall be permitted to ~~sell intoxicating liquors, wine, or beer of any kind, or~~ exhibit or conduct indecent shows or dances~~;~~ or to engage ~~be engaged~~ in any gambling or other games of chance or horseracing, either inside the enclosure where any state, district, or county agricultural society fair is being held or within forty rods thereof, during the time of holding such fairs. Nothing in this section shall be construed to prohibit wagering on the results of horseraces by the parimutuel or certificate method when conducted by licensees within the racetrack enclosure at licensed horserace meetings, ~~or~~ to prohibit the operation of bingo games as provided in the Nebraska Bingo Act, to prohibit the conduct of lotteries pursuant to the Nebraska County and City Lottery Act, or to prohibit the sale of pickle cards pursuant to the Nebraska Pickle Card Lottery Act. Nothing in this section shall be construed to prohibit the sale of intoxicating liquors, wine, or beer by a person properly licensed pursuant to Chapter 53 on premises under the control of the State Board of Agriculture or any county agricultural society. Any person who violates this section shall be guilty of a Class V misdemeanor. The trial of speed of horses under direction of the society shall not be included in the term horseracing. Upon the filing of proof with the State Treasurer of a violation of this section inside the enclosure of such fair, the amount of money appropriated shall be withheld from any money appropriated for the ensuing year.".

2. In the Standing Committee amendments, AM0283:

a. On page 1, line 2, strike "4" and insert "5"; and

b. On page 2, line 2, strike "after" and insert "strike"; and in line 3 before "2-229" insert "sections 2-219 and".

3. Renumber the remaining section accordingly.

The Schellpeper amendment was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Mr. Lynch withdrew his pending amendment, AM1496, found in the Journal on page 2515, First Session, 1991.

The Standing Committee amendment, as amended, was adopted with 27 ayes, 2 nays, 16 present and not voting, and 4 excused and not voting.

Mr. Wehrbein renewed his pending amendment, AM0713, found in the Journal on page 1074, First Session, 1991.

The Wehrbein amendment was adopted with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 27 ayes, 2 nays, 17 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 245. Title read. Considered.

Standing Committee amendment, AM0348, found in the Journal on page 732, First Session, 1991, lost with 1 aye, 19 nays, 26 present and not voting, and 3 excused and not voting.

Mr. Withem renewed his pending amendment, AM2363, found in the Journal on page 160.

SPEAKER BAACK PRESIDING

The Withem amendment was adopted with 29 ayes, 0 nays, 19 present and not voting, and 1 excused and not voting.

Advanced to E & R for review with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 245A. Title read. Considered.

Advanced to E & R for review with 30 ayes, 1 nay, 17 present and not voting, and 1 excused and not voting.

PRESIDENT MOUL PRESIDING

LEGISLATIVE BILL 562. Title read. Considered.

Standing Committee amendment, AM0407, found in the Journal on page 914, First Session, 1991, was considered.

Mr. Coordsen renewed his pending amendment, AM2346, found in the Journal on page 156, to the Standing Committee amendment.

The Coordsen amendment was adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 28 ayes, 0 nays, 20 present and not voting, and 1 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 971. Introduced by Schrock, 39; Coordsen, 32; Dierks, 40; R. Johnson, 34; Wehrbein, 2.

A BILL FOR AN ACT relating to the Corn Development, Utilization, and Marketing Board; to amend section 2-3612, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to filling a vacancy for the at-large member on such board; and to repeal the original section.

LEGISLATIVE BILL 972. Introduced by Robak, 22; Hartnett, 45; Hefner, 19; Nelson, 35.

A BILL FOR AN ACT relating to sales and use taxes; to amend section 77-2708, Revised Statutes Supplement, 1991; to change provisions relating to tax returns as prescribed; and to repeal the original section.

LEGISLATIVE BILL 973. Introduced by Byars, 30; Beyer, 3; Horgan, 4; Peterson, 21; Pirsch, 10; Robak, 22; Wickersham, 49.

A BILL FOR AN ACT relating to motor vehicle industry licensing; to amend sections 60-1413 and 60-1415, Reissue Revised Statutes of Nebraska, 1943, and section 60-1411.02, Revised Statutes Supplement, 1991; to provide for administrative fines; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 974. Introduced by Labedz, 5.

A BILL FOR AN ACT relating to employment; to prohibit certain actions by an employer based on the use of lawful products by an applicant or employee; to provide for a civil action; and to provide for costs.

LEGISLATIVE BILL 975. Introduced by Ashford, 6.

A BILL FOR AN ACT relating to state and political subdivision liability; to amend section 13-911, Reissue Revised Statutes of Nebraska, 1943, and section 81-8,215.01, Revised Statutes Supplement, 1990; to change provisions relating to liability of the state and its political subdivisions for damages proximately caused during vehicular pursuits by a law enforcement officer; and to repeal the original sections.

LEGISLATIVE BILL 976. Introduced by Moore, 24.

A BILL FOR AN ACT relating to the Coordinating Commission for Postsecondary Education; to amend section 85-1415, Revised Statutes Supplement, 1991; to change approval procedures for capital construction projects; and to repeal the original section.

LEGISLATIVE BILL 977. Introduced by Conway, 17; Schimek, 27.

A BILL FOR AN ACT relating to elections; to amend sections 10-703.01, 32-210.01, 32-212, 32-403, 32-428.06, 32-450, 32-4,113, and 32-835, Reissue Revised Statutes of Nebraska, 1943; to change fees and salaries for services of election officials; to authorize the use of optical-scan voting or tabulating devices as prescribed; to change provisions relating to write-in votes; to change provisions relating to endorsements on ballots as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 978. Introduced by Conway, 17.

A BILL FOR AN ACT relating to veterans; to amend section 80-401.01, Revised Statutes Supplement, 1991; to define terms; and to repeal the original section.

LEGISLATIVE BILL 979. Introduced by L. Johnson, 15.

A BILL FOR AN ACT relating to motor vehicle registration; to amend section 60-323, Reissue Revised Statutes of Nebraska, 1943; to provide for the display of dealer number plates from inside a motor vehicle; and to repeal the original section.

LEGISLATIVE BILL 980. Introduced by L. Johnson, 15; Beyer, 3; Hefner, 19; Lamb, 43; Wesely, 26.

A BILL FOR AN ACT relating to motor vehicle registration; to amend section 60-320, Revised Statutes Supplement, 1991; to change provisions relating to dealer number plates; and to repeal the original section.

LEGISLATIVE BILL 981. Introduced by Wesely, 26; Beutler, 28; R. Johnson, 34; Morrissey, 1; Schmit, 23.

A BILL FOR AN ACT relating to the environment; to amend sections 81-1502, 81-1503, and 81-1505.01, Reissue Revised Statutes of Nebraska, 1943; to change the name of the Department of Environmental Control to the Department of Environmental Quality; to harmonize provisions; to provide duties for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 982. Introduced by Conway, 17; Bohlke, 33.

A BILL FOR AN ACT relating to warrants; to amend section 77-2205, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to state warrants; to provide for credit of certain unpaid warrants to the General Fund; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 983. Introduced by Rogers, 41; Conway, 17; Hefner, 19; Robak, 22.

A BILL FOR AN ACT relating to community services block grants; to establish the Nebraska Community Services Block Grant Program; and to provide for distribution of funds.

LEGISLATIVE BILL 984. Introduced by L. Johnson, 15; Wehrbein, 2.

A BILL FOR AN ACT relating to credit unions; to amend section 21-17,120.01, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to powers of credit unions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 985. Introduced by L. Johnson, 15; Wehrbein, 2.

A BILL FOR AN ACT relating to savings and loan associations; to amend section 8-355, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to powers of savings and loan associations; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 986. Introduced by Ashford, 6.

A BILL FOR AN ACT relating to debtors and creditors; to amend sections 77-377.01 and 77-27,107, Reissue Revised Statutes of Nebraska, 1943; to authorize state agencies and political subdivisions to contract with collection agencies as prescribed; to change provisions relating to the collection of delinquent taxes as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 987. Introduced by Crosby, 29; Byars, 30.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-4720, 71-4727, 71-4728, 71-4729, and 71-4732, Reissue Revised Statutes of Nebraska, 1943; to provide for access to comprehensive mental health and alcohol and drug abuse services for hearing-impaired persons; to provide for a coordinator of services; to provide for a special committee as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 988. Introduced by Executive Board: Warner, 25, Chairperson; Baack, 47; Hall, 7; Moore, 24; Wehrbein, 2; and Kristensen, 37; Rogers, 41; Withem, 14.

A BILL FOR AN ACT relating to the Legislature; to amend sections 50-419 and 77-27,119.02, Reissue Revised Statutes of Nebraska, 1943, and section 85-969, Revised Statutes Supplement, 1991; to adopt the Legislative Program Evaluation Act; to eliminate certain duties of the Legislative Fiscal Analyst; to eliminate the Performance Review and Audit Committee; to provide duties for the Appropriations Committee of the Legislature; to harmonize provisions; to repeal the original sections, and also sections 50-419.02, 50-419.03, 50-701.01, 50-701.02, and 50-702, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 989. Introduced by Baack, 47; Chambers, 11; Schimek, 27; Warner, 25.

A BILL FOR AN ACT relating to elections; to amend sections 32-1001.06 to 32-1001.10, 32-1001.23, 32-1001.29, 32-1001.30, and 32-1001.31, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to contest of elections for members of the Legislature; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 990. Introduced by Conway, 17; Byars, 30.

A BILL FOR AN ACT relating to the Department of Personnel; to amend section 81-1307, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the duties of the Director of Personnel; and to repeal the original section.

LEGISLATIVE BILL 991. Introduced by Chizek, 31; Baack, 47; Pirsch, 10; Withem, 14.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-401, Reissue Revised Statutes of Nebraska, 1943, and section 60-489, Revised Statutes Supplement, 1990; to provide powers and duties for law enforcement officers; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 992. Introduced by Conway, 17; Chizek, 31.

A BILL FOR AN ACT relating to the Department of Personnel; to amend section 81-1307, Reissue Revised Statutes of Nebraska, 1943; to provide an additional duty for the Director of Personnel; to create a fund; and to repeal the original section.

LEGISLATIVE BILL 993. Introduced by Moore, 24; Landis, 46.

A BILL FOR AN ACT relating to life insurance; to amend section 44-704, Reissue Revised Statutes of Nebraska, 1943; to authorize procuring and effectuating of life insurance policies and annuity contracts by charitable organizations as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

RESOLUTION

LEGISLATIVE RESOLUTION 213CA. Introduced by Pirsch, 10; Hefner, 19.

A resolution to propose amending the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the general election in November 1992 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska to add a new section 30 to Article III:

CIII-30 "No act of the Legislature repealing the death penalty which is passed and approved according to law shall take effect or be in force until the same has been submitted separately in a nonpartisan manner to the people and approved by a majority of all electors who vote on the issue at an election to be held at least two calendar months but no more than three calendar months after the adjournment of the session at which such act was passed and approved.

The Legislature shall provide by law for implementation of this section.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to provide that legislation which repeals the death penalty shall not take effect or be in force until voted on and approved by the people.

For

Against".

Referred to the Reference Committee.

PROPOSED RULES CHANGES

Messrs. Lynch, Beutler, Rogers, Withem, and Robinson asked unanimous consent to print the following proposed rule change to Rule 2, Section 3(h) in the Journal. No objections. So ordered.

(h) Members shall remain in their seats during the Final Reading of a bill and until the vote thereon has been announced, except when excused by the President. ~~or during discussion of amendments or motions offered pursuant to Rule 6, Section 8.~~ During discussion of amendments or motions offered pursuant to Rule 6, Section 8, members may move about the legislative environs subject to a quorum call request by any member pursuant to Rule 7, Section 5. For purposes of this rule, legislative environs shall mean the Legislative Chamber, the Senate Lounge, and the hallway connecting those areas.

Messrs. Lynch, Rogers, and Withem asked unanimous consent to print the following proposed rule change to Rule 3, Section 2, in the Journal. No objections. So ordered.

Sec. 2. Appointment of Committees. (a) At the commencement of each session, the Legislature shall elect a Committee on Committees to consist of ~~thirteen~~ ten members, one at large who shall be chairperson, and three from District Number 1 consisting of legislative districts Numbers ~~1 through 3, 25 through 30, 32, 45, and 46;~~ 1, 2, 15, 16, 21, 23 through 30, 32, 34, 35, and 46; three from District Number 2 consisting of legislative districts Numbers ~~4 through 14, 20, and 31;~~ 3 through 14, 20, 31, 39, and 45; and three from District Number 3 consisting of legislative districts Numbers ~~15 through 19, 21 through 24, 34, 35, and 40;~~ 17 through 19, 22, 33, 36 through 38, 40 through 44, and 47 through 49. ~~and three from District Number 4 consisting of legislative districts Numbers 33, 36 through 39, 41 through 44, and 47 through 49.~~

UNANIMOUS CONSENT - Print in Journal

Mrs. Nelson asked unanimous consent to print the following amendment to LB 543 in the Journal. No objections. So ordered.

AM2334

1. Insert the following new section:

"Section 1. That section 23-2317, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-2317. (1) The future service retirement benefit shall be an annuity, payable monthly with the first payment made as of the retirement date, which shall be the actuarial equivalent of the retirement value based on factors determined by the board, except that gender shall not be a factor when determining the amount of such payments pursuant to subsection (2) of this section. A retiring employee may elect to receive, in lieu of an annuity, a lump-sum settlement equal to the retirement value if the retirement value is less than eight thousand dollars. A copy of the contract shall be kept on file with the board.

At any time before the retirement date, the retiring employee may choose to receive his or her annuity either in the form of a straight life annuity or any optional form that is determined by the board.

In lieu of the future service retirement annuity, a retiring employee may, upon application to the board, receive a benefit not to exceed ~~the amount in his or her employee account~~ fifty-one percent of the total amount of the joint employee and employer accounts payable in a lump sum and an annuity which shall be equal to the actuarial equivalent of the remainder of the retirement value, and the employee may choose any form of such annuity as provided for by the board.

In any case, the amount of the monthly payment shall be such that the annuity chosen shall be the actuarial equivalent of the retirement value~~,~~ except as provided in this section.

The board shall provide to any county employee who is eligible for retirement, prior to his or her selecting any of the retirement options provided by this section, information on the federal and state income tax consequences of the various annuity or retirement benefit options.

(2) The monthly income payable to a member retiring on or after January 1, 1984, shall be as follows:

He or she shall receive at retirement the amount which may be purchased by the accumulated contributions based on annuity rates in effect on the date of purchase which do not utilize gender as a factor, except that such amounts shall not be less than the retirement income which can be provided by the sum of the amounts derived pursuant to subdivisions (a) and

(b) of this subsection as follows:

(a) The income provided by the accumulated contributions made prior to January 1, 1984, based on male annuity purchase rates in effect on January 1, 1984, or male annuity purchase rates on the date of purchase, if greater than those in effect on January 1, 1984; and

(b) The income provided by the accumulated contributions made on and after January 1, 1984, based on the annuity purchase rates in effect on the date of purchase which do not use gender as a factor.

(3) Any amount, in excess of contributions, which may be required in order to purchase the retirement income specified in subsection (2) of this section shall be withdrawn from the County Equal Retirement Benefit Fund.

(4) Retirement benefits for persons who retire prior to January 1, 1984, shall not be affected by changes to this section which become operative on or after January 1, 1984.".

2. On page 5, line 5, strike "section" and insert "sections 23-2317 and"; and in line 6 strike "is" and insert "are".

3. Renumber the remaining sections accordingly.

Mrs. Nelson asked unanimous consent to print the following amendment to LB 543 in the Journal. No objections. So ordered.

AM2335

1. Insert the following new section:

"Section 1. That section 23-2317, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-2317. (1) The future service retirement benefit shall be an annuity, payable monthly with the first payment made as of the retirement date, which shall be the actuarial equivalent of the retirement value based on factors determined by the board, except that gender shall not be a factor when determining the amount of such payments pursuant to subsection (2) of this section. A retiring employee may elect to receive, in lieu of an annuity, a lump-sum settlement equal to the retirement value if the retirement value is less than eight thousand dollars. A copy of the contract shall be kept on file with the board.

At any time before the retirement date, the retiring employee may choose to receive his or her annuity either in the form of a straight life annuity or any optional form that is determined by the board.

In lieu of the future service retirement annuity, a retiring employee may, upon application to the board, receive a benefit not to exceed the amount in his or her ~~employee account~~ employer and employee accounts payable in a lump sum and, if the employee chooses not to receive the entire amount in such accounts, an annuity which shall be equal to the actuarial equivalent of the remainder of the retirement value, and the employee may choose any form of such annuity as provided for by the board.

In any case, the amount of the monthly payment shall be such that the annuity chosen shall be the actuarial equivalent of the retirement value~~;~~ except as provided in this section.

The board shall provide to any county employee who is eligible for retirement, prior to his or her selecting any of the retirement options provided by this section, information on the federal and state income tax consequences of the various annuity or retirement benefit options.

(2) The monthly income payable to a member retiring on or after January 1, 1984, shall be as follows:

He or she shall receive at retirement the amount which may be purchased by the accumulated contributions based on annuity rates in effect on the date of purchase which do not utilize gender as a factor, except that such amounts shall not be less than the retirement income which can be provided by the sum of the amounts derived pursuant to subdivisions (a) and (b) of this subsection as follows:

(a) The income provided by the accumulated contributions made prior to January 1, 1984, based on male annuity purchase rates in effect on January 1, 1984, or male annuity purchase rates on the date of purchase, if greater than those in effect on January 1, 1984; and

(b) The income provided by the accumulated contributions made on and after January 1, 1984, based on the annuity purchase rates in effect on the date of purchase which do not use gender as a factor.

(3) Any amount, in excess of contributions, which may be required in order to purchase the retirement income specified in subsection (2) of this section shall be withdrawn from the County Equal Retirement Benefit Fund.

(4) Retirement benefits for persons who retire prior to January 1, 1984, shall not be affected by changes to this section which become operative on or after January 1, 1984.".

2. On page 5, line 5, strike "section" and insert "sections 23-2317 and"; and in line 6 strike "is" and insert "are".

3. Renumber the remaining sections accordingly.

Mr. Schmit asked unanimous consent to print the following amendment to LB 49 in the Journal. No objections. So ordered.

AM2328

1. Strike the original sections and insert the following new sections:

"Section 1. That section 46-252, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-252. (1) Any person may conduct, either from outside the state or from sources located in the state, quantities of water over and above those already present ~~water~~ into or along any of the natural streams or channels of this state, ~~and may withdraw all such water~~ for purposes of instream beneficial uses or withdrawal of some or all of such water for out-of-stream beneficial uses, at any point without regard to any prior appropriation of water from such stream, due allowance being made for losses in transit to be determined by the Department of Water Resources. The department shall monitor movement of the water by measurements or other means and shall be responsible for assuring that such quantities are not subsequently diverted or withdrawn by others unless they are authorized to do so by the person conducting the water.

~~Subject to the exceptions hereinafter stated~~ (2) Except as provided in subsections (3) and (4) of this section, before any person may conduct water into or along any of the natural streams or channels of the state, he or she shall first obtain ~~the consent in writing of the majority of the residents and landowners bordering upon such stream or channel. He~~ a permit from the department. Application for the permit shall be made on forms provided by the department. Applications shall include plans and specifications detailing the intended times, amounts, and streamreach locations and such other information as required by the department. The water subject to such a permit shall be deemed appropriated for the use specified in the permit. Permitholders shall be liable for any damages resulting from the overflow of such stream or channel when water so conducted contributed to such overflow.

(3) Any person actually engaged in the construction or operation of any water power plant may, without ~~such written consent~~ filing with the department and upon payment of all damages, use any such stream or channel for a tailrace or canal~~;~~ and may, whenever necessary, widen, deepen, or straighten the bed of any such stream. All damages resulting therefrom shall be determined in the manner set forth in sections 76-704 to 76-724.

(4) Any person holding a storage use permit pursuant to section 46-242 shall not be required to obtain the permit required by this section.

(5) Nothing in this section shall be construed to exempt a person from obtaining any other permits required by law.

Sec. 2. That original section 46-252, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

UNANIMOUS CONSENT - Add Cointroducers

Mrs. Pirsch, Messrs. Morrissey, and Conway asked unanimous consent to have their names added as cointroducers to LB 872. No objections. So ordered.

Mr. Morrissey asked unanimous consent to have his name added as cointroducer to LB 962. No objections. So ordered.

Mr. Kristensen asked unanimous consent to have his name added as cointroducer to LB 319. No objections. So ordered.

Mr. Lindsay asked unanimous consent to have his name added as cointroducer to LB 328. No objections. So ordered.

Mr. Bernard-Stevens asked unanimous consent to have his name added as cointroducer to LB 962. No objections. So ordered.

RECESS

At 11:53 a.m., on a motion by Speaker Baack, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:31 p.m., President Moul presiding.

ROLL CALL

The roll was called and all members were present except Mr. L. Johnson who was excused; and Messrs. Ashford, Bernard-Stevens, Conway, Landis, Rogers, Schmit, Warner, Withem, and Mrs. Robak who were excused until they arrive.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 880 through 940, and legislative resolutions 206CA, 207CA, and 208CA.

LB	**Committee**
880	Judiciary
881	Natural Resources
882	Business and Labor
883	Revenue
884	Government, Military and Veterans Affairs
885	Government, Military and Veterans Affairs
886	Nebraska Retirement Systems
887	Natural Resources

888	Natural Resources
889	Natural Resources
890	Natural Resources
891	Natural Resources
892	Natural Resources
893	Natural Resources
894	Judiciary
895	Judiciary
896	Judiciary
897	Revenue
898	Government, Military and Veterans Affairs
899	Transportation
900	Government, Military and Veterans Affairs
901	Judiciary
902	Judiciary
903	Banking, Commerce and Insurance
904	Banking, Commerce and Insurance
905	Judiciary
906	Health and Human Services
907	Banking, Commerce and Insurance
908	Government, Military and Veterans Affairs
909	Health and Human Services
910	Government, Military and Veterans Affairs
911	Urban Affairs
912	Natural Resources
913	Revenue
914	Judiciary
915	General Affairs
916	Natural Resources
917	Natural Resources
918	Government, Military and Veterans Affairs
919	Judiciary
920	Government, Military and Veterans Affairs
921	Education
922	Education
923	Judiciary
924	Revenue
925	Judiciary
926	Business and Labor
927	Natural Resources
928	Urban Affairs
929	General Affairs
930	Appropriations

931	Urban Affairs
932	Business and Labor
933	Urban Affairs
934	Nebraska Retirement Systems
935	Judiciary
936	Business and Labor
937	Judiciary
938	Revenue
939	General Affairs
940	Judiciary

LR	**Committee**
206CA	Judiciary
207CA	Government, Military and Veterans Affairs
208CA	Government, Military and Veterans Affairs

(Signed) Jerome Warner, Chairperson
Legislative Council
Executive Board

GENERAL FILE

LEGISLATIVE BILL 523. Title read. Considered.

Standing Committee amendment, AM0771, found in the Journal on page 1136, First Session, 1991, was considered.

Mr. Chizek renewed his pending amendment, AM2343, printed separately from the Journal and referred to on page 160, to the Standing Committee amendment.

The Chizek amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 452. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 994. Introduced by Hall, 7.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 37-1103, 39-2510, 39-2520, 60-303, 60-305.04, 60-305.11, 60-311.02, 60-311.21, 60-318, 60-1803, 60-1807, 70-651.05, 77-202.03, 77-202.04, 77-202.05, 77-202.06, 77-202.25, 77-1201, and 77-2701.02, Reissue Revised Statutes of Nebraska, 1943, sections 60-302, 60-310, 60-344, and 60-1411.03, Revised Statutes Supplement, 1990, and sections 60-106, 60-311.14, 60-315, 60-320, 66-489, 66-4,105, 66-605, 66-605.07, 66-644, 77-201, 77-202, and 77-202.24, Revised Statutes Supplement, 1991; to define terms; to provide a motor vehicle fee; to provide exemptions from the fee; to provide a fee schedule; to provide a surcharge on certain vehicles; to eliminate certain tax exemptions; to eliminate certain provisions relating to the valuation and taxation of motor vehicles; to change provisions relating to sales tax on certain motor vehicles; to change the motor fuel and special fuel tax; to harmonize provisions; to provide an operative date; and to repeal the original sections, and also sections 60-1806, 77-202.08, 77-1238, 77-1239, 77-1239.01, 77-1239.02, 77-1240, 77-1240.01, 77-1240.04, 77-1241.01, and 77-1242.02, Reissue Revised Statutes of Nebraska, 1943, and sections 77-1240.03 and 77-1242.01, Revised Statutes Supplement, 1991.

LEGISLATIVE BILL 995. Introduced by Hall, 7.

A BILL FOR AN ACT relating to income taxation; to amend sections 77-2715.02 and 77-2715.07, Reissue Revised Statutes of Nebraska, 1943, and sections 77-2716 and 77-2716.01, Revised Statutes Supplement, 1991; to change tax calculations; to change the tax rate; to allow a credit for personal exemptions; to provide an adjustment for federal governmental pensions; to eliminate a deduction for personal exemptions; to eliminate a provision relating to capital gains; to provide an operative date; and to repeal the original sections, and also sections 77-2715.08 and 77-2715.09, Revised Statutes Supplement, 1991.

LEGISLATIVE BILL 996. Introduced by Robinson, 16; Cudaback, 36; Elmer, 38.

A BILL FOR AN ACT relating to educational service units; to amend sections 77-3438 and 77-3439, Revised Statutes Supplement, 1991; to change a limitation on anticipated receipts for units adding school districts as prescribed; to change provisions relating to public meetings as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 997. Introduced by Hall, 7; Crosby, 29; Schellpeper, 18.

A BILL FOR AN ACT relating to income tax; to amend section 77-2716.02, Revised Statutes Supplement, 1991; to change the surcharge on depreciation; to provide an operative date; to repeal the original section; and to declare an emergency.

GENERAL FILE

LEGISLATIVE BILL 718. Title read. Considered.

Standing Committee amendment, AM0425, printed separately from the Journal and referred to on page 835, First Session, 1991, was considered.

Mr. Hartnett asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. R. Johnson renewed his pending amendment, AM1519, found in the Journal on page 1867, First Session, 1991, to the Standing Committee amendment.

The R. Johnson amendment was adopted with 21 ayes, 1 nay, 19 present and not voting, and 8 excused and not voting.

Mr. R. Johnson withdrew his pending amendment, AM1710, found in the Journal on page 2201, First Session, 1991.

Mr. R. Johnson offered the following amendment to the Standing Committee amendment:
AM2371

(Amendments to AM1519)

1. On page 1, line 19, after the semicolon insert "and".

2. On page 2, line 1, after "of" insert "the organization which represents a majority of the thoroughbred breeders in Nebraska and" and strike

"representing" and insert "which represents"; and strike beginning with the semicolon in line 3 through "state" in line 8.

Mrs. Rasmussen asked unanimous consent to be excused. No objections. So ordered.

The R. Johnson amendment was adopted with 10 ayes, 6 nays, 24 present and not voting, and 9 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. R. Johnson withdrew his pending amendment, AM1454, found in the Journal on page 1806, First Session, 1991.

Mr. R. Johnson withdrew the pending R. Johnson et al. amendment, AM1455, found in the Journal on page 1825, First Session, 1991.

Mr. Withem asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Schmit moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Advanced to E & R for review with 25 ayes, 10 nays, 8 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 718A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 4 nays, 13 present and not voting, and 7 excused and not voting.

Messrs. Abboud, Schmit, and Wickersham asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 424. Title read. Considered.

Standing Committee amendment, AM0471, found in the Journal on page 878, First Session, 1991, was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

SPEAKER BAACK PRESIDING

Mr. Haberman renewed his pending amendment, AM0904, found in the Journal on page 1295, First Session, 1991.

Mr. Haberman moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

Mr. Haberman requested a roll call vote on his amendment.

Voting in the affirmative, 24:

Baack
Byars
Chizek
Conway
Coordsen
Crosby
Elmer
Haberman
Hall
Hartnett
Hillman
Labedz
Lindsay
Moore
Morrissey
Nelson
Peterson
Pirsch
Robinson
Rogers
Schellpeper
Schrock
Wesely
Will

Voting in the negative, 15:

Bernard-Stevens
Beutler
Beyer
Bohlke
Cudaback
Dierks
Hefner
Horgan
Johnson, R.
Kristensen
Lamb
Lynch
Schimek
Warner
Wehrbein

Present and not voting, 2:

Chambers
Robak

Absent and not voting, 1:

Ashford

Excused and not voting, 7:

Abboud
Johnson, L.
Landis
Rasmussen
Schmit

Wickersham Withem

The Haberman amendment lost with 24 ayes, 15 nays, 2 present and not voting, 1 absent and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for review with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 678. Title read. Considered.

Standing Committee amendment, AM0515, found in the Journal on page 925, First Session, 1991, was considered.

Messrs. Peterson and Haberman asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Wesely withdrew his pending amendment, AM1175, found in the Journal on page 1674, First Session, 1991.

Mr. Wesely renewed his pending amendment, AM2353, found in the Journal on page 155, to the Standing Committee amendment.

The Wesely amendment was adopted with 19 ayes, 0 nays, 21 present and not voting, and 9 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Messrs. R. Johnson, Kristensen, and Morrissey asked unanimous consent to be excused. No objections. So ordered.

Messrs. Bernard-Stevens and Will asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for review with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 678A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 998. Introduced by Conway, 17; Baack, 47.

A BILL FOR AN ACT relating to veterans; to amend section 80-411, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to waiver of tuition at institutions of higher education; to change eligibility requirements based on disability; to limit the validity of the waiver; and to repeal the original section.

LEGISLATIVE BILL 999. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to testacy proceedings; to amend sections 30-2429.01 and 30-2467, Reissue Revised Statutes of Nebraska, 1943; to provide a fee; to change the time within which an inventory must be filed; and to repeal the original sections.

LEGISLATIVE BILL 1000. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to persons under disability; to amend section 30-2603, Reissue Revised Statutes of Nebraska, 1943; to change the amount payable to a minor without a conservator; and to repeal the original section.

LEGISLATIVE BILL 1001. Introduced by Horgan, 4; Lynch, 13; Nelson, 35; Will, 8.

A BILL FOR AN ACT relating to the retirement systems for Class V school districts; to amend sections 79-1043 and 79-1047, Reissue Revised Statutes of Nebraska, 1943, sections 79-1044.01, 79-1045, 79-1049, and 79-1056.06, Revised Statutes Supplement, 1990, and section 79-1032, Revised Statutes Supplement, 1991; to define terms; to transfer certain powers from the board of education to the trustees; to change provisions relating to annuities; to authorize acceptance of cash rollover contributions; to provide a duty for the Revisor of Statutes; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1002. Introduced by Chizek, 31.

A BILL FOR AN ACT relating to law enforcement; to amend section 81-1423, Reissue Revised Statutes of Nebraska, 1943; to create the Nebraska Law Enforcement Accreditation Council as prescribed; to change provisions relating to the duties of the Nebraska Commission on Law Enforcement and Criminal Justice; and to repeal the original section.

LEGISLATIVE BILL 1003. Introduced by Hall, 7.

A BILL FOR AN ACT relating to employment security; to amend section 48-624, Revised Statutes Supplement, 1990; to change the weekly benefit amount; and to repeal the original section.

LEGISLATIVE BILL 1004. Introduced by Landis, 46; Hall, 7.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-381, 77-2039, 77-2101.01 to 77-2106, 77-2106.02, 77-2108 to 77-2115, and 77-3313, Reissue Revised Statutes of Nebraska, 1943, and section 77-2106.01, Revised Statutes Supplement, 1991; to provide for a generation-skipping transfer or distribution tax as prescribed; to define and redefine terms; to change provisions to provide when such tax is payable, how long such tax returns are open to inspection, and how long unpaid taxes are a lien on property; to change provisions to provide for harmonizing such tax with certain chapters of the Internal Revenue Code of 1986; to change provisions to provide for prescribing rules and regulations for such tax; to change provisions relating to duties of the Tax Commissioner, Attorney General, county courts, and personal representatives relating to such tax as prescribed; to change provisions relating to a penalty; to change provisions to provide for a refund of overpayment of taxes with interest; to provide for apportionment of such taxes due among persons interested in the estate or transfer; to provide filing dates for returns; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1005. Introduced by Will, 8.

A BILL FOR AN ACT relating to the Nebraska Power Review Board; to amend section 70-1014, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the approval or denial of an application for facilities and transmission lines; and to repeal the original section.

LEGISLATIVE BILL 1006. Introduced by Landis, 46.

A BILL FOR AN ACT relating to insurance; to amend sections 44-145, 44-147.05, 44-3601, 44-3607, 44-3608, 44-3609, 44-4501, 44-4503, 44-4516, and 44-4517, Reissue Revised Statutes of Nebraska, 1943, sections 44-139 to 44-142, 44-147 to 44-147.04, 44-147.06, 44-2013, 44-3602 to 44-3604, 44-3606, 44-3608.01, 44-4509, 44-4513, 44-4515, and 44-4719, Revised Statutes Supplement, 1990, and section 44-3610, Revised Statutes Supplement, 1991; to change provisions relating to the business of surplus lines insurance; to create the Surplus Lines Insurance Act; to define terms; to change licensure requirements; to establish financial requirements for nonadmitted insurers; to transfer sections and citation of act provisions; to revise provisions of the Medicare Supplement Insurance Minimum Standards Act and the Long-Term Care Insurance Act; to redefine terms; to authorize rules and regulations; to eliminate filing requirements; to change outline of coverage requirements; to authorize an administrative penalty; to eliminate intent provisions; to adopt the Reinsurance Intermediary Act and Producer-Controlled Property and Casualty Insurer Act; to harmonize provisions; to provide a duty for the Revisor of Statutes; to provide operative dates; to provide severability; and to repeal the original sections, and also sections 44-3605 and 44-3611, Revised Statutes Supplement, 1990.

UNANIMOUS CONSENT - Print in Journal

Messrs. Lindsay and Wesely asked unanimous consent to print the following amendment to LB 696 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM2354.)

UNANIMOUS CONSENT - Add Cointroducers

Mr. Dierks asked unanimous consent to have his name added as cointroducer to LB 987. No objections. So ordered.

Mr. Lindsay asked unanimous consent to have his name added as cointroducer to LB 904. No objections. So ordered.

Mr. Elmer asked unanimous consent to have his name added as cointroducer to LB 872. No objections. So ordered.

ADJOURNMENT

At 4:24 p.m., on a motion by Mr. Hall, the Legislature adjourned until 10:00 a.m., Friday, January 10, 1992.

Patrick J. O'Donnell
Clerk of the Legislature

THIRD DAY - JANUARY 10, 1992

LEGISLATIVE JOURNAL

THIRD DAY - JANUARY 10, 1992

LEGISLATIVE JOURNAL

NINETY-SECOND LEGISLATURE
SECOND SESSION

THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 10, 1992

Pursuant to adjournment, the Legislature met at 10:02 a.m., President Moul presiding.

PRAYER

The prayer was offered by Pastor George Meslow, C.E.O. and President of Martin Luther Home, Beatrice, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Beyer, L. Johnson, Moore, Withem, and Mrs. Rasmussen who were excused; and Messrs. Abboud, Ashford, Hall, Hartnett, Morrissey, and Mrs. Labedz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the second day was approved.

MOTION - Adopt Temporary Rules

Mr. Lynch moved that the Rules, as now in our possession, be adopted for today only, Friday, January 10, 1992.

The motion prevailed.

MESSAGE FROM THE GOVERNOR

January 9, 1992

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Coordinating Commission for Postsecondary Education, requiring legislative approval.

Appointee: Barbara K. Marcy, 666 Cedar St., Chadron, NE 69337, (308) 432-4122.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:fc

NATURAL RESOURCE DISTRICT REPORT

In compliance with Section 2-3262 (R.R.S. 1943) a summary of all fees paid to date during calendar year 1991 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	FEE
Lower Big Blue Natural Resources District	
Everson, Wullschleger, Sutter, Korslund, & Willet	1,102.75
Tri-Basin Natural Resources District	
Anderson, Klein, Peterson & Swan	2,360.00
Martin, Stirtz, Martin	90.00
PRA, Inc.	500.00

1991 INTERIM REPORT ON THE DISPOSITION OF INTERIM STUDY RESOLUTIONS

Agriculture

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
163	Aquaculture		X	
108	LB 349 FIFRA			X
121	Brand Committee		X	X
122	Agriculture Economic Development		X	
93	LB 282		X	X

Appropriations

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
114	Office of Equipment Maintenance			X
123	Tourism Faulitier	X		
124	Developmental Disabilities			X
125	Consultant Contracts			X
127	Cash Fund Balances			X
129	Tourist Attractions	X		
148	Faculty Workloads*			X
201	(1) Emergency Fund	X		
	(2) Insurance of facilities			X
	(3) C.D.L. costs			
	(4) Transit Aid	X		
	(5) Report filing	X		
	(6) Revenue Bond Surplus		X	
	(7) Budget Reductions			X

* Joint with Education Committee

Banking, Commerce and Insurance

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
135	Comprehensive Health Insurance Pool*	X		
131	Credit life, health, accident insurance			X
132	Surplus Lines Insurance		X	
162	Bank structure		X	
133	Title Insurance premium rates		X	
175	Investment capital		X	
180	Economic Development		X	

* Report completed by the Department of Insurance

Business and Labor

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
96	Workers' Compensation System	X		
97	Workers' Compensation Court's Appellate Structure	X		
149	Budget lids and the Commission of Industrial Relations	X		

Child Abuse and Neglect

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
367	Child Abuse and Neglect	X		

Education

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
134	Negotiations Schedule	X		
148	University Faculty workload*	X		
149	LB 1059 lid and CIR orders**	X		
150	Professional Practices Commission	X		
151	Global Education			X
187	School district efficiency factors	X		

* Jointly referred to Education and Appropriations
** Jointly referred to Education and Business and Labor

Executive Board

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
100	Program Evaluations	X		

General Affairs

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
101	Illegal gambling		X	
102	State as distributor of pickle cards		X	
103	Racing Commission funding and regulatory responsibilities		X	
104	For-profit horseracing legalization		X	
105	Casino gambling legalization, Riverboat gambling impacts		X	

Government, Military and Veterans Affairs

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
79	Uniform Publication Law		X	
80	Election Laws		X	
169	Review Administrative Procedures Act		X	
67	Use of Government Property		X	
78	Uniform Compensation for Boards		X	
81	Merger of City and County Governments		X	
89	Travel Expenses for State Employees		X	
136	Prison Privatization		X	
117	Term Limitations		X	
138	Use of Fairground Buildings		X	
171	Public Bidding Process		X	
181	Rename Environmental Control and Public Institutions		X	
179	William Jennings Bryan's Home		X	
170	Regulation of Travel Agencies		X	
144	Appropriateness of Fire Service and Funding		X	

Health and Human Services

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
94	Water Quality		X	
107	Medicaid Waivers			X
119	Health Promotion		X	
130	Teen Pregnancy			X
135	CHIP	X		
140	Family Resource Centers			X
143	Pharmacy assistants		X	
158	Birth and Death Certificates		X	
159	Public Health Services		X	
160	Developmental Disabilities Act	X		
161	Omnibus subjects		X	
164	Drug and Alcohol Programs		X	
165	Group Health Care costs			X
166	Health Care Services for Children			X
167	Mental Health Commitment Act			X
168	Foster Care for Kids under 3	X		
182	Housing Contractors		X	
183	Multi-Disciplinary Teams		X	

Natural Resources

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
90	Public Utilities			X
91	Bottle Bill			X
92	Ethanol*			

145	Water*			
146	CERCLA			X
152	Public Utilities*			
174	Energy Study			X
185	Scenic River			X

* Hearing to be held

Nebraska Library Automation Task Force

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
109	Library Automation		X	

Nebraska Retirement Systems

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
83	Firefighters Retirement		X	
95	School Employees cost-of-living adjustment			X

Revenue

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
137	Overall Tax System			X
139	Common Levy	X		
172	Taxpayer Bill of Rights	X		
184	Inheritance Tax	X		
112	Cross-border sales tax			X
178	Recycling Incentive	X		
173	LB 775 Impact			X

Transportation

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
84	DWI	X		
120	DWI	X		
116	License Plate Revocation	X		
86	Hazardous materials transportation regulations	X		
85	Rules of the Road Revision			X
142	Fuel Quality Testing program			X
88	900/976 pay per call service		X	
106	Improve driver's license security			X
87	Update provisions of railroad law			X
118	School crossing safety		X	
113	Create limited extreme			

	inconvenience operator's license		X	
176	Study issuance of dealer license plates			X

Urban Affairs

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
154	Study of general issues within jurisdiction of the Urban Affairs Committee		X	
155	Study issues of municipal expansion, planning and zoning authority and community development as it relates to municipal growth and governance in fringe areas		X	
156	Review recent activity under the Municipal Natural Gas Regulation Act and discuss potential changes as the result of recent regulatory experience with the Act		X	
157	Study feasibility of municipalities contracting with private enterprise for the provision of some municipal services			X

RESOLUTION

LEGISLATIVE RESOLUTION 209. Read. Considered.

LR 209 was adopted with 29 ayes, 0 nays, and 20 not voting.

MOTION - Escort Governor

Mr. Hefner moved that a committee of five be appointed to escort the Governor of the State of Nebraska to the Legislative Chamber to deliver his State of the State Address.

The motion prevailed.

The Chair appointed Mmes. Bohlke, Nelson, Messrs. Chizek, Hefner, and Rogers to serve on said committee.

The committee returned and escorted Governor Ben Nelson to the rostrum where he delivered the following State Budget Address.

STATE OF THE STATE ADDRESS

MADAM PRESIDENT, MR. SPEAKER, AND MEMBERS OF THE LEGISLATURE; FELLOW NEBRASKANS:

WHEN I TOOK OFFICE ONE YEAR AGO, I PLEDGED TO WORK WITH THIS LEGISLATURE AND THE PEOPLE OF NEBRASKA TO ADDRESS A NUMBER OF ISSUES AFFECTING OUR STATE. I FIRMLY BELIEVE THAT THE FAITH OF CITIZENS IN THEIR GOVERNMENT DEPENDS ON OUR WILLINGNESS TO FOLLOW THROUGH ON THAT WHICH WE PROMISE. WITH YOUR HELP, WE HAVE ACCOMPLISHED MUCH ALREADY.

WE HAVE HALTED THE OUT-OF-CONTROL GROWTH IN THE STATE BUDGET. WE HAVE SHOWN THAT TOGETHER, WE CAN HOLD THE LINE ON SPENDING AND STILL PURSUE OUR DREAMS -- PROTECTING THE QUALITY OF OUR ENVIRONMENT; BUILDING A WORLD-CLASS EDUCATION SYSTEM; SUSTAINING ECONOMIC GROWTH THROUGHOUT NEBRASKA.

NEBRASKANS WILL HAVE THE OPPORTUNITY TO APPROVE A STATE LOTTERY THIS NOVEMBER. COMMUNITIES NOW HAVE A NEW ECONOMIC DEVELOPMENT TOOL THROUGH LB 840. A NEW POSTSECONDARY COORDINATING COMMISSION AND APPELLATE COURT ARE IN PLACE. INVESTMENTS IN TECHNOLOGY NOW PROVIDE COMMUNICATIONS LINKS THROUGHOUT THE STATE VIA SATELLITE AND FIBER-OPTIC CABLE.

DESPITE OUR RESOURCE LIMITATIONS, OUR ACCOMPLISHMENTS ARE MANY: WE SHOULD BE PROUD. BUT OUR WORK IS NOT FINISHED.

AS WE ENTER 1992, NEBRASKA IS DARKENED BY THE CLOUD OF AN UNPRECEDENTED PROPERTY TAX CRISIS. OVER THE PAST TWENTY YEARS, WE HAVE INCHED, STEP BY STEP, TOWARD THE EDGE OF A CLIFF.

TODAY, WE STAND AT THE BRINK.

THE PEOPLE OF NEBRASKA ARE WATCHING TO SEE IF THOSE IN WHOM THEY HAVE PLACED THEIR TRUST WILL PULL THEM AWAY, OR ALLOW THEM TO TOPPLE OVER THE EDGE.

MUCH IS AT STAKE:

1. UNLESS WE ACT NOW TO REPAIR OUR CONSTITUTION AND TAX LAWS, BUSINESS AND AGRICULTURAL INVENTORIES WILL BE TAXED ONCE AGAIN. THIS PROSPECT POSES AN INTOLERABLE, AND UNNECESSARY, RISK TO NEBRASKA'S ECONOMY;

2. UNLESS WE ACT NOW TO IMPLEMENT A FAIR, STABLE AND PREDICTABLE TAX SYSTEM, NEBRASKA'S BUSINESS CLIMATE WILL SUFFER, AND OUR OWN COMPANIES WILL BE TEMPTED TO

RELOCATE TO OTHER STATES (AND BELIEVE ME, THEY ARE BEING COURTED);

3. UNLESS WE ACT NOW TO STABILIZE THE LOCAL TAX BASE, THE PUBLIC SERVICES WE VALUE MOST - FROM TEACHING OUR CHILDREN TO FIGHTING FIRES AND PROTECTING THE PUBLIC SAFETY - ARE IN SERIOUS JEOPARDY.

OUR CHOICES ARE SEVERELY LIMITED BY AN ALL-TOO-FAMILIAR SERIES OF LAWSUITS THAT HAVE LED OUR SUPREME COURT TO LAY IT OUT IN BLACK AND WHITE: THE EXEMPTIONS GRANTED BY PREVIOUS LEGISLATURES ARE UNCONSTITUTIONAL, AND THEREFORE, PERSONAL PROPERTY HAS BEEN RETURNED TO THE TAX ROLLS AND WILL BE TAXED IN 1992, UNLESS WE ACT NOW.

AFTER THE UNICAMERAL PASSED LB 829 LAST YEAR AS A TEMPORARY, ONE-YEAR APPROACH, I APPOINTED A GROUP OF LEGISLATIVE AND EXECUTIVE BRANCH LEADERS TO DEVISE A PERMANENT SOLUTION. THE 3-R COMMITTEE, DESPITE ALL PREDICTIONS TO THE CONTRARY, HAS DEVELOPED A SOLUTION WHICH I BELIEVE IS THE BEST SOLUTION TO THE TAX CRISIS. I SUPPORT THE 3-R PROPOSAL, AND I URGE ITS ENACTMENT BY THE LEGISLATURE.

THE 3-R PROPOSAL CONTAINS FOUR ELEMENTS, WHICH I BELIEVE ARE ESSENTIAL TO THE PROPERTY TAX SOLUTION:

*FIRST, THE PROPERTY TAX BASE SHOULD BE BROADENED BY USING A NET BOOK DEPRECIATION TAX. IN OTHER WORDS, ONLY TANGIBLE PERSONAL PROPERTY THAT IS DEPRECIATED, INCLUDING CENTRALLY-ASSESSED PROPERTY, WILL BE TAXED AT THE LOCAL PROPERTY TAX RATE;

*SECOND, INVENTORY SHOULD NOT, AND WILL NOT, BE TAXED;

*THIRD, THERE MUST BE A LID ON LOCAL GOVERNMENTS SO THAT ANY INCREASED TAX BASE IS USED TO LOWER PROPERTY TAX LEVIES, PUTTING MONEY BACK IN THE TAXPAYER'S POCKET AND NOT INTO NEW AND EXPANDED PROGRAMS.

*FOURTH AND FINALLY, A CONSTITUTIONAL AMENDMENT MUST BE SUBMITTED TO THE PEOPLE IN ORDER TO ALLOW A TAX OTHER THAN BY VALUE, AND TO ALLOW REAL AND PERSONAL PROPERTY TO BE TREATED SEPARATELY.

SENATORS JEROME WARNER, DAVID LANDIS AND RON WITHEM WILL, ON MY BEHALF, INTRODUCE A CONSTITUTIONAL

AMENDMENT AND LEGISLATION THAT ACCOMPLISHES THESE FOUR GOALS. I BELIEVE THESE PROPOSALS OFFER THE FAIREST POSSIBLE SOLUTION TO THE PROBLEM. THEY DO NOT SHIFT A BUSINESS TAX TO INDIVIDUAL TAXPAYERS.

I FIRMLY BELIEVE THAT THESE PROPOSALS WILL SOLVE THE PROPERTY TAX CRISIS FOR 1992 AND BEYOND.

HOWEVER, THE ISSUE OF LAWSUIT REFUNDS REMAINS. MY ADMINISTRATION WILL WORK WITH SENATOR DENNIS BYARS AND OTHER MEMBERS OF THE LEGISLATURE, AS WELL AS LOCAL OFFICIALS TO DEVELOP AN EQUITABLE SOLUTION TO THE REFUND ISSUE.

THE URGENCY OF THE PROPERTY TAX CRISIS WILL, WITHOUT A DOUBT, DOMINATE YOUR TIME, AND MY TIME, AND THIS SESSION; BUT THERE ARE OTHER IMPORTANT ISSUES ON OUR AGENDAS. MANY WILL HAVE TO WAIT, BUT THERE ARE SEVERAL OBJECTIVES THAT CAN, AND SHOULD, BE ACCOMPLISHED THIS YEAR.

FIRST, THERE IS NO REASON TO DELAY IN CORRECTING THE INEQUITIES IN THE STATE'S INCOME TAX SYSTEM. THE LEGISLATURE MADE THE RIGHT DECISION TO DECOUPLE FROM THE FEDERAL INCOME TAX; NEBRASKA SHOULD NOT DEPEND ON THE FEDERAL GOVERNMENT TO SET OUR INCOME TAX POLICY.

AS A CONSEQUENCE, HOWEVER, THE AVERAGE WORKING FAMILY WAS UNFAIRLY BURDENED WITH A DISPROPORTIONATE SHARE OF THE TAX LOAD. SENATOR DAVID LANDIS AND A BIPARTISAN GROUP OF SENATORS HAVE TAKEN THE LEAD TO CHANGE THE INCOME TAX SO THAT IT IS MORE PROGRESSIVE, MORE EQUITABLE, AND MORE FAIRLY DISTRIBUTED AMONG ALL INCOME LEVELS. I INVITE ANY OF YOU WHO SHARE OUR BELIEF THAT THE INCOME TAX SHOULD BE RESTRUCTURED TO SIGN ONTO THIS LEGISLATION.

SECOND, THERE ARE SEVERAL ENVIRONMENTAL IMPERATIVES TO BE CONSIDERED. LAST FALL, I SPENT A VERY INFORMATIVE WEEK TALKING WITH NEBRASKANS ACROSS THE STATE ABOUT THE QUALITY OF OUR ENVIRONMENT. WE SHARED OUR APPRECIATION OF THE NATURAL WONDERS OF THIS GREAT STATE, WHICH TOO OFTEN GO UNNOTICED.

WE ALSO SHARED CONCERNS ABOUT WHETHER THE QUALITY OF NEBRASKA'S ENVIRONMENT CAN BE SUSTAINED FOR FUTURE GENERATIONS. I HEARD CONCERNS ABOUT CONTAMINATION OF OUR WATER; SOIL CONSERVATION; AIR QUALITY; AND WASTE DISPOSAL ISSUES RANGING FROM RECYCLING TO KEEPING

NEBRASKA FROM BECOMING A DUMPING GROUND FOR OTHER STATES' WASTE.

I EVEN HAD ONE THIRD-GRADER ASK IF "RED TAPE" WAS HARMFUL TO THE ENVIRONMENT. I SAID, "YES! HOW DO WE FIX IT?"

WE HAVE ESTABLISHED A NEW VISION OF ENVIRONMENTAL PROTECTION THROUGH MANAGEMENT CHANGES IN THE DEPARTMENT OF ENVIRONMENTAL CONTROL, SOON TO BE KNOWN AS THE DEPARTMENT OF ENVIRONMENTAL QUALITY WITH THE HELP OF SENATOR DON WESELY AND THE MEMBERS OF THIS BODY.

WITH THE ADDITIONAL HELP OF SENATOR CHRIS BEUTLER, I AM ASKING THE LEGISLATURE TO ESTABLISH THE ENVIRONMENTAL TRUST FUND. ADMINISTERED BY A BOARD OF DIRECTORS CONSISTING OF PRIVATE CITIZENS AND STATE OFFICIALS FROM AGENCIES DEALING WITH ENVIRONMENTAL INTERESTS, THE FUND WILL PROVIDE A MEANS FOR A WIDE RANGE OF GROUPS TO ACCESS THE RESOURCES NECESSARY TO PURSUE INNOVATIVE PROJECTS IN ENVIRONMENTAL PROTECTION.

APPROXIMATELY $7.5 MILLION ANNUALLY WILL FLOW INTO THE FUND FROM AN ADDITIONAL TWO-CENT CIGARETTE TAX, COUPLED WITH ONE-FOURTH OF THE PROCEEDS FROM THE STATE LOTTERY. THESE PUBLIC RESOURCES CAN BE USED TO LEVERAGE ADDITIONAL PRIVATE DOLLARS FOR INVESTMENTS IN SUCH THINGS AS HABITAT PRESERVATION, WATER QUALITY PROTECTION, AND PROMOTING THE DEVELOPMENT OF RECYCLING.

THE FUND IS NOT INTENDED TO REPLACE EXISTING PROGRAMS, BUT RATHER TO ENHANCE THEIR EFFECTIVENESS BY PROVIDING SUPPORT FOR NEW, PROACTIVE APPROACHES TO PROTECTING THE QUALITY OF OUR ENVIRONMENT.

ANOTHER ENVIRONMENTAL CONCERN THAT DEMANDS OUR ATTENTION IN THE COMING YEARS IS SOLID WASTE MANAGEMENT. TWO YEARS AGO, THIS LEGISLATURE HAD THE FORESIGHT TO INITIATE A COMPREHENSIVE PLANNING PROCESS FOR SOLID WASTE MANAGEMENT. I COMMEND SENATOR SPENCE MORRISSEY AND THE SOLID WASTE ADVISORY COMMITTEE FOR THEIR TIRELESS WORK IN FASHIONING A SOLID WASTE MANAGEMENT PLAN THAT WILL BE PLACED BEFORE YOU THIS SESSION.

THE BENEFITS OF SOUND WASTE MANAGEMENT TO ENVIRONMENTAL QUALITY ARE CLEAR, BUT THEY ARE ALSO COSTLY. IT WILL BE A CHALLENGE TO COME UP WITH THE ESTIMATED QUARTER OF A BILLION DOLLARS TO IMPLEMENT THE MANAGEMENT PLAN'S OBJECTIVES.

THIS IS A "BUDGET BUSTER" FOR BOTH STATE AND LOCAL GOVERNMENTS, AND IT HAS THE POTENTIAL TO BE AN "ECONOMY BUSTER" IF NOT DEALT WITH PROPERLY. THE SOLUTION WILL NOT EMERGE OVERNIGHT, BUT WE MUST BEGIN NOW TO IDENTIFY ALTERNATIVES. MEMBERS OF MY ADMINISTRATION AND I WILL CONTINUE TO SUPPORT LOCAL GOVERNMENT EFFORTS TO DEVELOP A WORKABLE FINANCING PACKAGE.

THIRD, OUR ELEMENTARY/SECONDARY EDUCATION SYSTEM CONTINUES TO BE ON THE CUTTING EDGE OF SCHOOL REFORM IN THE UNITED STATES. BUT WE CAN DO BETTER, AND WE WILL DO BETTER. COMPETITION ON A GLOBAL SCALE REQUIRES A HARD LOOK AT THE BASIC ASSUMPTIONS OF AMERICAN EDUCATION, AND I'M PLEASED THAT EDUCATORS IN THIS STATE ARE WILLING TO DO JUST THAT.

THE NATION'S GOVERNORS HAVE MADE ELEMENTARY AND SECONDARY EDUCATION A PRIORITY, AND NONE AMONG US HAS BEEN AS ACTIVE AND DEDICATED AS GOVERNOR ROY ROMER OF COLORADO. IT WAS AN HONOR TO HAVE GOVERNOR ROMER CALL JUST LAST WEEK TO ASK ME TO SERVE AS ONE OF EIGHT GOVERNORS ON THE NATIONAL EDUCATION GOALS PANEL. I WILL BE ATTENDING A MEETING OF THE GOALS PANEL LATER THIS MONTH IN WASHINGTON, AND I WILL BE ASKING FOR INPUT FROM EDUCATORS, SCHOOL BOARD MEMBERS, AND OTHER COMMUNITY LEADERS.

NEBRASKA'S CLASSROOM TEACHERS BORE THE BRUNT OF AN UNBALANCED BUDGET AT THE END OF THE 1991 SESSION. IN ORDER TO MEET MY CONSTITUTIONAL MANDATE TO BALANCE THE STATE BUDGET, IT WAS NECESSARY TO VETO $8 MILLION FROM THE SECOND YEAR APPROPRIATION UNDER LB 91. OUR TEACHERS DESERVE BETTER, AND I AM RECOMMENDING RESTORATION OF THIS $8 MILLION AS PART OF THE LB 1059 STATE AID PACKAGE TO LOCAL SCHOOL DISTRICTS FOR FY 92-93.

FOURTH, THE EFFECTIVENESS OF OUR EDUCATION SYSTEM IN SUPPORTING NEBRASKA'S ECONOMY CAN BE ENHANCED BY A MORE FOCUSED APPROACH TOWARD RESEARCH AND TECHNOLOGY TRANSFER. A STATE PLAN FOR RESEARCH IS CRITICAL FOR FUTURE ECONOMIC GROWTH AND DEVELOPMENT IN NEBRASKA.

TOWARD THAT END, NEBRASKA IS FORTUNATE TO HAVE BEEN SELECTED TO PARTICIPATE IN EPSCoR, THE EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH. EPSCoR IS FUNDED IN PART BY THE NATIONAL SCIENCE FOUNDATION. LAST SPRING, I APPOINTED A PLANNING TEAM REPRESENTING BUSINESS

AND INDUSTRY, GOVERNMENT, HIGHER EDUCATION AND THE SCIENTIFIC COMMUNITY.

THEIR CHALLENGE IS TO DEVELOP BOTH SHORT- AND LONG-TERM GOALS, PRIORITIES AND EVALUATION CRITERIA FOR NEBRASKA RESEARCH PROJECTS. I AM ALSO RECOMMENDING THAT THE PLANNING AND EVALUATION PROCESS FOR THE EXISTING RESEARCH INITIATIVE BE MERGED INTO THE EPSCoR PROJECT BY AUGUST 15, 1992.

NATIONAL SCIENCE FOUNDATION FUNDS ARE CONTINGENT UPON A STATE MATCH. I AM RECOMMENDING A COMBINATION OF NEW GENERAL FUNDS, REALLOCATED UNIVERSITY FUNDS, AND PRIVATE DOLLARS TO GENERATE THE $1.3 MILLION NECESSARY TO COMPETE FOR AN EQUAL AMOUNT OF EPSCoR DOLLARS.

WHEN I TOOK OFFICE ONE YEAR AGO, NEBRASKA STATE GOVERNMENT WAS SPENDING MONEY FASTER THAN IT WAS COMING IN. MID-TERM INCREASES IN BIENNIAL BUDGETS HAVE BEEN SUBSTANTIAL, WITHOUT EXCEPTION.

THE ACCELERATOR WAS NEARLY TO THE FLOOR, BUT TOGETHER WE HAVE SUCCESSFULLY BEGUN TO APPLY THE BRAKES TO STATE SPENDING. ACROSS-THE-BOARD CUTS TOTALLING 5% FOR THE BIENNIUM ARE BEING IMPLEMENTED IN STATE OPERATIONS.

I HAVE DIRECTED STATE AGENCIES TO CAREFULLY REVIEW ALL VACANCIES BEFORE FILLING THEM. WE ARE CLOSELY MONITORING TRAVEL POLICIES, AS WELL AS OTHER AREAS OVER WHICH WE HAVE ADMINISTRATIVE DISCRETION.

IT IS MY BELIEF THAT SUCH MANAGEMENT ACTIONS MAY AVOID MORE SEVERE COST-CUTTING MEASURES, SUCH AS TOTAL HIRING FREEZES OR LAYOFFS, THAT HAVE BEEN NECESSARY IN OTHER STATES.

STATE EMPLOYEES ARE TALENTED AND PRODUCTIVE PUBLIC SERVANTS. CAREFUL MANAGEMENT OF AGENCY RESOURCES CAN MAKE OUR STATE EMPLOYEES EVEN MORE EFFECTIVE.

I AM ALSO ASKING THE LEGISLATURE TO GRANT THE GOVERNOR AUTHORITY TO CONTROL THE RATE AT WHICH APPROPRIATIONS ARE SPENT DURING A GIVEN YEAR, AND TO ADMINISTRATIVELY REDUCE APPROPRIATIONS IF AND WHEN ACTUAL REVENUES FALL BELOW ESTIMATES.

THIS AUTHORITY WOULD SUBSTANTIALLY ENHANCE THE MANAGEMENT ABILITY OF THE ADMINISTRATION DURING

REVENUE-SHORT PERIODS. SIMILAR AUTHORITY IS PRESENTLY GRANTED TO THE GOVERNOR IN FORTY-ONE OF THE FIFTY STATES. IT'S TIME TO DO IT IN NEBRASKA.

AS ALWAYS, YOU WILL BE CONFRONTED BY REQUESTS FROM GROUPS WITH VALID REASONS TO EXPAND SERVICE LEVELS OR EVEN START NEW PROGRAMS. LET ME REINFORCE SOMETHING I SAID A YEAR AGO: STATE GOVERNMENT CANNOT BE ALL THINGS TO ALL PEOPLE, EVEN WHEN IT MEANS SAYING 'NO' TO ANY NUMBER OF WORTHWHILE AND ATTRACTIVE IDEAS.

IN THEORY, THE WORD 'NO' SHOULD BE THE RULE RATHER THAN THE EXCEPTION DURING THE MID-YEAR OF THE BIENNIUM. THE EXCEPTIONS TO THE RULE SHOULD BE ONLY FOR EMERGENCIES AND UNFORESEEN CIRCUMSTANCES. THAT HAS NOT BEEN THE CASE THUS FAR; BUT MY MID-BIENNIUM PROPOSAL SAYS 'YES' VERY SELECTIVELY, AND WITHOUT RELIANCE ON INCREASED GENERAL TAX RATES.

WE ARE MAKING PROGRESS IN THE AREA OF FISCAL RESPONSIBILITY AND SPENDING DISCIPLINE. I AM RECOMMENDING MID-BIENNIUM BUDGET ADJUSTMENTS OF LESS THAN TWO-TENTHS OF ONE PERCENT, WHICH ROUNDS TO ZERO. BUT THERE IS ANOTHER FOOT ON THE GAS PEDAL. NEARLY ALL OF THAT AMOUNT IS DIRECTED TOWARD MEDICAID DEFICITS, AND WE ARE NOT IN THE DRIVER'S SEAT. THERE ARE FEDERAL MANDATES ARE DIRECTLY RESPONSIBLE FOR THIS DRAMATIC INCREASE.

*THE FEDERAL GOVERNMENT HAS REDUCED THEIR MEDICAID MATCH RATE FROM 64% TO 61% BECAUSE WE HAVE A GREATER "ABILITY TO PAY" THAN MANY OTHER STATES DUE TO OUR RELATIVE ECONOMIC SUCCESS.

*PROGRAM EXPANSIONS MANDATED BY CONGRESS, COUPLED WITH THE REDUCED MATCH RATE, WILL COST NEBRASKA AN ADDITIONAL $14 MILLION NEXT FISCAL YEAR, AND $18 MILLION MORE EACH YEAR THEREAFTER;

*A PENDING LAWSUIT OVER MEDICAID REIMBURSEMENT RATES COULD LEAD TO MILLIONS MORE IN MEDICAID EXPENSES.

IN ORDER TO PLUG THE GAP CAUSED BY SKYROCKETING MEDICAID COSTS, SENATOR DON WESELY IS WORKING WITH THE DEPARTMENT OF SOCIAL SERVICES AND AFFECTED GROUPS TO EXPLORE THE POSSIBILITY OF A PROVIDER FEE AS AUTHORIZED LAST YEAR BY CONGRESS, AND AS IMPLEMENTED ALREADY IN SEVERAL OTHER STATES.

THE ALTERNATIVE IS A SERIES OF MASSIVE PROGRAM CUTS THAT WILL SEVERELY RESTRICT ACCESS TO MEDICAL CARE FOR MANY NEBRASKANS.

THERE ARE SOME COMPELLING NEEDS THAT HAVE BEEN DEFERRED TOO LONG THAT SHOULD BE CONSIDERED THIS YEAR, AND I AM PROPOSING THAT THEY BE ADDRESSED THROUGH AN INCREASE OF TEN CENTS IN THE CIGARETTE TAX. AS I MENTIONED, THE PROCEEDS FROM TWO CENTS SHOULD BE PLACED IN THE ENVIRONMENTAL TRUST FUND. THE REMAINING INCREASE WILL BE DISTRIBUTED IN FOUR WAYS, WITH EACH TWO CENTS TRANSLATING TO $2.6 MILLION ANNUALLY.

FIRST, WE HAVE AN OBLIGATION UNDER THE FEDERAL AMERICANS WITH DISABILITIES ACT TO ENSURE STATE BUILDING ACCESSIBILITY FOR DISABLED INDIVIDUALS. I RECOMMEND THAT TWO CENTS BE ALLOCATED FOR COMPLIANCE WITH ADA.

SECOND, WE HAVE MADE SUBSTANTIAL INVESTMENTS IN CAPITAL CONSTRUCTION OVER THE YEARS. UNFORTUNATELY, WE HAVE NOT PROVIDED ADEQUATE MAINTENANCE ONCE THE PAINT IS DRY.

RESPONSIBLE MANAGEMENT REQUIRES THAT STATE BUILDINGS BE MAINTAINED AND THAT WE PROTECT SAFETY OF EMPLOYEES AND CITIZENS WHO WORK AND DO BUSINESS IN STATE FACILITIES. UNLIKE NEW BRICK AND MORTAR, THESE ARE NOT GLAMOROUS PROJECTS, BUT THEY ARE ESSENTIAL. I RECOMMEND ALLOCATING TWO CENTS TO THE LB 309 TASK FORCE TO HELP CLEAR UP THE BACKLOG OF MAINTENANCE NEEDS.

THIRD, I PROPOSE SETTING ASIDE TWO CENTS FOR THE HIGHER EDUCATION INCENTIVE FUND, TO BE ADMINISTERED BY THE COORDINATING COMMISSION FOR POSTSECONDARY EDUCATION. THIS FUND WILL BE USED TO PROMOTE POSITIVE CHANGE IN ALL POSTSECONDARY INSTITUTIONS IN NEBRASKA, BY ADDRESSING NEEDS SUCH AS STUDENT FINANCIAL AID, FIRE AND LIFE SAFETY PROJECTS, RENOVATION, PILOT INSTRUCTIONAL PROGRAMS AND RESEARCH.

FOURTH, I RECOMMEND THAT TWO CENTS BE PLACED IN A NEW CITIZEN PUBLIC SAFETY FUND FOR THE PURPOSE OF FINANCING RECOMMENDATIONS OF MY TASK FORCE ON PRISON ALTERNATIVES. I'M CONFIDENT THAT THEIR WORK WILL LEAD TO LESS-COSTLY ALTERNATIVES THAN LARGE-SCALE PRISON EXPANSION AS A MEANS OF PROTECTING PUBLIC SAFETY.

IT'S CLEAR THAT NEBRASKANS ARE CONCERNED ABOUT PUBLIC SAFETY. DRIVE-BY SHOOTINGS, ASSAULTS ON POLICE OFFICERS, AND DRUG AND GANG ACTIVITY ARE CREATING FEAR AND ANGER AMONG LAW-ABIDING CITIZENS. RECENT ACTIONS BY THE STATE PAROLE BOARD, AND LEGAL QUESTIONS ABOUT THE PROPER ROLE OF THE BOARD OF PARDONS SERVE ONLY TO COMPOUND THE PROBLEM.

ACCORDINGLY, I HAVE ASKED SENATOR JERRY CHIZEK TO INTRODUCE LEGISLATION TO STRENGTHEN PAROLE BOARD PROCEDURES. I WILL ALSO BE WORKING CLOSELY WITH SENATORS ERIC WILL AND CAROL PIRSCH TO CHANGE THE WAY PARDON DECISIONS ARE MADE.

AS YOU ARE WELL AWARE, THESE ISSUES AND MANY OTHER IMPORTANT POLICY QUESTIONS WILL BE PLACED BEFORE YOU THIS SESSION. BUT, AS SPEAKER BAACK HAS SAID TIME AND AGAIN, THE HALLMARK OF THIS LEGISLATURE WILL BE YOUR RESPONSE TO THE PROPERTY TAX CRISIS.

I REALIZE THAT FINDING A SOLUTION TO THE PROPERTY TAX ISSUE IS A DIFFICULT ONE. BUT THIS DECISION CAN WAIT NO LONGER. THE CONSTITUTION MUST BE AMENDED TO ALLOW THE LEGISLATURE, YOU AS A BODY AND NOT THE COURTS, TO DETERMINE TAX POLICY.

THE PEOPLE OF NEBRASKA MUST HAVE THE OPPORTUNITY TO VOTE ON THAT AMENDMENT DURING THE MAY PRIMARY ELECTION. IN ORDER TO DO SO, THE CONSTITUTIONAL AMENDMENT MUST BE PASSED BY THE LEGISLATURE NO LATER THAN MARCH 12TH OF THIS YEAR.

THIS ISSUE TRANSCENDS POLITICS.

WE CAN'T DECIDE THIS ISSUE AS DEMOCRATS OR REPUBLICANS;

AS URBAN OR RURAL;

AS LEGISLATIVE OR EXECUTIVE.

WE MUST APPROACH THIS PROBLEM AS NEBRASKANS. THE ECONOMY AND WELL-BEING OF OUR STATE ARE AT STAKE.

AS YOU CONSIDER A PERMANENT RESOLUTION TO THIS CRISIS, ASK NOT ONLY HOW IT AFFECTS YOU, BUT HOW IT AFFECTS YOUR NEIGHBORS.

I URGE YOU TO ACT NOW.
I URGE YOU TO SET ASIDE YOUR PERSONAL DIFFERENCES AND FIND A SOLUTION THAT BENEFITS ALL NEBRASKA.

I URGE YOU TO ADOPT AND SUPPORT THE 3-R PROPOSAL IN ORDER THAT THE STATE OF NEBRASKA MAY FLOURISH.

THANK YOU. I KNOW YOU'RE UP TO THE TASK. I WISH YOU WELL.

The committee escorted Governor Nelson from the Chamber.

EASE

The Legislature was at ease from 10:58 a.m. until 11:15 a.m.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1007. Introduced by Withem, 14.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-3805, Revised Statutes Supplement, 1990, and section 79-3806, Revised Statutes Supplement, 1991; to change provisions relating to tiered cost per student and equalization aid; and to repeal the original sections.

LEGISLATIVE BILL 1008. Introduced by Horgan, 4.

A BILL FOR AN ACT relating to cities of the metropolitan class; to amend sections 14-102, 14-1108, and 14-1109, Reissue Revised Statutes of Nebraska, 1943; to authorize the charging of fees for garbage and refuse removal or disposal; to provide a means for the collection of such fees as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1009. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to securities; to amend section 8-1120, Reissue Revised Statutes of Nebraska, 1943, and section 85-122, Revised Statutes Supplement, 1990; to create a fund; to state intent; to provide for transfers from the Securities Act Cash Fund; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1010. Introduced by Landis, 46.

A BILL FOR AN ACT relating to employment practices; to amend sections 48-1104 and 48-1119, Reissue Revised Statutes of Nebraska, 1943; to make harassment based upon race, color, religion, sex, disability, marital status, or national origin an unlawful employment practice; to authorize judicial relief for violations of the Nebraska Fair Employment Practice Act; and to repeal the original sections.

LEGISLATIVE BILL 1011. Introduced by Schrock, 39; Chizek, 31; Cudaback, 36; Dierks, 40; Nelson, 35.

A BILL FOR AN ACT relating to dogs; to amend sections 54-601 and 54-602, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to the liability of dog owners; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1012. Introduced by Conway, 17.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-140, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to loans to executive officers of a bank; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1013. Introduced by Warner, 25; Baack, 47; Hefner, 19.

A BILL FOR AN ACT relating to fuel tax; to amend sections 3-148, 3-149, and 66-1221, Reissue Revised Statutes of Nebraska, 1943, and sections 66-483, 66-492, 66-4,114, 66-4,120, 66-4,124, 66-605.04, 66-605.05, 66-605.06, 66-605.07, 66-619, 66-620, 66-646.01, 66-720, 66-726, 66-730, and 66-732, Revised Statutes Supplement, 1991; to change and provide for fees; to provide for civil penalties; to provide for tax liability and exemptions for qualified motor vehicles; to change provisions relating to special fuel tax, exemptions, and returns, special fuel importers, permit or license reissuance, and refund allowances; to provide a duty for the Attorney General and the Nebraska State Patrol; to eliminate provisions relating to public inspection of returns required by the Special Fuel Tax Act and a tax refund for fuel used to operate refrigeration equipment; to harmonize provisions; to provide operative dates; to repeal the original sections, and also sections 66-633 and 66-646.02, Revised Statutes Supplement, 1991; and to declare an emergency.

LEGISLATIVE BILL 1014. Introduced by Pirsch, 10.

A BILL FOR AN ACT relating to penal and correctional institutions; to amend section 83-4,122, Revised Statutes Supplement, 1990; to change provisions relating to disciplinary hearings; and to repeal the original section.

LEGISLATIVE BILL 1015. Introduced by Health and Human Services Committee: Wesely, 26, Chairperson; Byars, 30; Cudaback, 36; Dierks, 40; Schellpeper, 18.

A BILL FOR AN ACT relating to public buildings and facilities; to amend sections 32-438, 72-1119, 72-1120, 72-1121, and 72-1122, Reissue Revised Statutes of Nebraska, 1943; to require the State Fire Marshal to establish standards and specifications; to eliminate the Public Buildings Safety Advisory Committee and to create the Accessibility Advisory Committee; to set qualifications of members, number of members, and other provisions relating to the committee; to eliminate statutory standards, specifications, definitions, and purpose; to eliminate a penalty; to harmonize provisions; and to repeal the original sections, and also sections 72-1101 to 72-1118, 72-1123, and 72-1124, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1016. Introduced by Health and Human Services Committee: Wesely, 26, Chairperson; Byars, 30; Cudaback, 36; Dierks, 40; Schellpeper, 18.

A BILL FOR AN ACT relating to clinical laboratories; to amend sections 71-6801, 71-6803, 71-6810, 71-6816, 71-6820, and 71-6821, Reissue Revised Statutes of Nebraska, 1943; to define and redefine terms; to change provisions relating to application for and renewal of certificates; to provide additional requirements for laboratories concerning transfusion services, bloodbanking, and the provision of information to clients; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1017. Introduced by Health and Human Services Committee: Wesely, 26, Chairperson; Byars, 30; Cudaback, 36; Dierks, 40; Schellpeper, 18.

A BILL FOR AN ACT relating to vital statistics; to amend section 71-612, Revised Statutes Supplement, 1991; to provide for confidentiality of vital records; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1018. Introduced by Health and Human Services Committee: Wesely, 26, Chairperson; Byars, 30; Cudaback, 36; Dierks, 40; Schellpeper, 18.

A BILL FOR AN ACT relating to the State Board of Health; to amend section 71-2610.01, Reissue Revised Statutes of Nebraska, 1943; to change the authority of the board regarding rules and regulations; and to repeal the original section.

LEGISLATIVE BILL 1019. Introduced by Health and Human Services Committee: Wesely, 26, Chairperson; Byars, 30; Cudaback, 36; Dierks, 40; Schellpeper, 18.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 21-2216, 28-401, 28-406, 71-161.09, 71-1,147.02, 71-502.04, 71-602, 71-611, 71-628, 71-636, 71-644, 71-648, 71-1327, 71-1332, 71-1561, 71-1564, 71-1565, 71-4702, 71-4714.01, 71-4715, and 71-6114, Reissue Revised Statutes of Nebraska, 1943, sections 27-504, 28-404, 28-405, 48-232, 48-233, and 79-4,228, Revised Statutes Supplement, 1990, and sections 28-1439.01, 71-147, 71-162, 71-617.15, 71-627, 71-634, 71-1331, 71-1559, and 81-647, Revised Statutes Supplement, 1991; to adopt the Wholesale Drug Distributor Licensing Act; to change and eliminate provisions relating to anabolic steroids; to change provisions relating to actions against credentials, access to vital statistics and other records, reports, and notification regarding certain test results; to provide for and change provisions relating to fees for certain professional corporations and credentials; to provide for agreements to conduct modular housing inspections; to change provisions relating to review of documents and to appointment of an advisory board with reference to modular housing; to repeal the original sections, and also sections 28-446 and 28-447, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 1020. Introduced by Conway, 17.

A BILL FOR AN ACT relating to natural resources; to adopt the Economic Diversification and Afforestation Act; and to provide severability.

LEGISLATIVE BILL 1021. Introduced by Pirsch, 10.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701, Revised Statutes Supplement, 1991; to provide for rights and privileges of certain taxpayers; to provide duties for the Department of Revenue and the Tax Commissioner; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1022. Introduced by Speaker Baack, 47, at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1991, LB 91A, section 1; Laws 1991, LB 186A, section 1; Laws 1991, LB 652, section 4; Laws 1991, LB 732A, sections 1 and 2; Laws 1991, LB 829A, section 1; Laws 1991, LB 842, section 1; Laws 1991, LB 843, sections 8, 15, 18, 27, 28, 29, 36, 45, 48, 51, 62, 70, 80, 84, and 88; Laws 1991, LB 845, sections 2 and 39; Laws 1991, LB 846A, sections 2, 10, and 39; and Laws 1991, LB 847, sections 6, 19, 27, 31, 32, 34, and 42; to change certain appropriations as prescribed; to provide for deficit appropriations; to appropriate funds for the expenses of state government and capital construction; to state intent; to repeal a restriction on the appropriation of certain revenue; to repeal the original sections, and also section 79-3509.03, Revised Statutes Supplement, 1991; and to declare an emergency.

LEGISLATIVE BILL 1023. Introduced by Dierks, 40; Schimek, 27; Wehrbein, 2.

A BILL FOR AN ACT relating to rehabilitation services; to amend section 79-1448, Reissue Revised Statutes of Nebraska, 1943; to provide a food service training program in the State Capitol; and to repeal the original section.

LEGISLATIVE BILL 1024. Introduced by Bernard-Stevens, 42.

A BILL FOR AN ACT relating to brand inspection; to amend sections 54-135 and 54-147, Reissue Revised Statutes of Nebraska, 1943; to add the Director of Agriculture as ex officio member of the Nebraska Brand Committee; to require a hearing before a change of the inspection fee; and to repeal the original sections.

LEGISLATIVE BILL 1025. Introduced by Warner, 25; Cudaback, 36.

A BILL FOR AN ACT relating to personal property taxation; to amend section 77-1214, Reissue Revised Statutes of Nebraska, 1943; to provide for applicability of a provision dealing with the collection of tax in 1992; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1026. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 9-812, 9-823, 81-173, 81-178, and 81-179, Reissue Revised Statutes of Nebraska, 1943, and section 77-2602, Revised Statutes Supplement, 1991; to adopt the Nebraska Environmental Trust Act, the Citizens Public Safety Act, and the Coordinating Commission for Postsecondary Education Incentive Act; to change provisions relating to distribution of proceeds from a state lottery and from the cigarette tax; to increase the cigarette tax; to redefine terms; to change provisions relating to classification of work items under the Deferred Building Renewal Act; to change the distribution of the Building Renewal Allocation Fund; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1027. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1991, LB 843, section 88; to appropriate funds to carry out the Nebraska Environmental Trust Act, the Citizens Public Safety Act, the Coordinating Commission for Postsecondary Education Incentive Act, and the Deferred Building Renewal Act; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1028. Introduced by Natural Resources Committee: R. Johnson, 34, Chairperson; Beutler, 28; Elmer, 38; Hartnett, 45; Lamb, 43; Morrissey, 1; Schmit, 23.

A BILL FOR AN ACT relating to the Nebraska Litter Reduction and Recycling Act; to amend section 81-1566, Reissue Revised Statutes of Nebraska, 1943; to extend the termination date; and to repeal the original section.

RESOLUTIONS

LEGISLATIVE RESOLUTION 214CA. Introduced by Schmit, 23; Lynch, 13.

A resolution to propose amending the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the general election in November 1992 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska to add a new section 13 to Article VIII:

CVIII-13 "The Legislature may provide by law that each city, village, or metropolitan utilities district which acquires or has acquired real property outside of the county in which the city or village is located or outside of any county which is in whole or in part served by the metropolitan utilities district for water supply purposes shall annually make payments in lieu of taxes to the county within which the real property or any portion is located. The amount of the payments in lieu of taxes shall be determined based on the use the real property had at the time of acquisition and without regard to any value which the real property might have for other purposes or uses.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

> "A constitutional amendment to authorize the Legislature to require payments in lieu of taxes to counties by cities, villages, and metropolitan utilities districts for real property acquired for water supply purposes.
>
> For
>
> Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 215CA. Introduced by Robak, 22.

A resolution to propose amending the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the general election in November 1992 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska to amend Article VIII, section 1:

CVIII-1 "The necessary revenue of the state and its governmental subdivisions shall be raised by taxation in such manner as the Legislature may direct. Taxes shall be levied by valuation uniformly and proportionately upon all tangible property and franchises, except that: (1) The Legislature may provide for a different method of taxing motor vehicles and may also establish a separate class of motor vehicles consisting of those owned and held for resale by motor vehicle dealers which shall be taxed in the manner and to the extent provided by the Legislature and may also establish a separate class for trucks, trailers, semitrailers, truck-tractors, or combinations thereof, consisting of those owned by residents and nonresidents of this state, and operating in interstate commerce, and may provide reciprocal and proportionate taxation of such vehicles; PROVIDED, that such tax proceeds from motor vehicles taxed in each county shall be allocated to the ~~state,~~ counties, townships, cities, villages, and school districts of such county in the same proportion that the levy of each bears to the total levy of the county on personal tangible property; ~~and~~ (2) the Legislature may provide that agricultural land and horticultural land, as defined by the Legislature, shall constitute a separate and distinct class of property for purposes of taxation and may provide for a different method of taxing agricultural land and horticultural land which results in values that are not uniform and proportionate with all other tangible property and franchises but which results in values that are uniform and proportionate upon all property within the class of agricultural land and horticultural land; and (3) the Legislature may provide that (a) agricultural income-producing machinery and equipment, (b) business inventory, (c) feed, (d) fertilizer, (e) farm inventory, (f) grain, (g) seed, (h) livestock, (i) poultry, (j) fish, (k) honeybees, and (l) fur-bearing animals shall constitute separate and distinct classes of property for purposes of taxation, and the Legislature may exempt any such class of property from taxation, in whole or in part. The Legislature may enact laws to provide that the value of land actively devoted to agricultural or horticultural use shall for property tax purposes be that value which such land has for agricultural or horticultural use without regard to any value which such land might have for other purposes or uses and may prescribe standards and methods for the determination of the value of real or other tangible property at uniform and proportionate values. Taxes uniform as to class of property or the ownership or use thereof may be levied by valuation or otherwise upon classes of intangible property as the Legislature may determine, and such intangible property held in trust or otherwise for the purpose of funding pension, profit-sharing, or other employee benefit plans as defined by the Legislature may be declared exempt from taxation. Taxes other than property taxes may be authorized by law. Existing revenue laws shall continue in effect until changed by the Legislature. The Legislature may provide that livestock shall constitute a separate and distinct class of property for purposes of taxation and may further provide for reciprocal and proportionate taxation of livestock located in this state for only part of a year.

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to exempt certain listed personal property from uniformity and proportionality requirements and to authorize the Legislature to exempt certain listed property from taxation.
For
Against".

Referred to the Reference Committee.

ANNOUNCEMENTS

Mr. Landis designates LB 671 as his priority bill.

Mr. Hefner designates LB 872 as his priority bill.

Mr. Horgan designates LB 958 as his priority bill.

Mr. Schmit designates LB 470 as his priority bill.

UNANIMOUS CONSENT - Add Cointroducer

Mr. Schrock asked unanimous consent to have his name added as cointroducer to LB 874 and LB 963. No objections. So ordered.

VISITORS

Visitors to the Chamber were Masao Wada, Consul General of Japan; Al Abbott; and Greg and Pat Enenbach.

ADJOURNMENT

At 11:24 a.m., on a motion by Ms. Schimek, the Legislature adjourned until 9:00 a.m., Monday, January 13, 1992.

Patrick J. O'Donnell
Clerk of the Legislature

LEGISLATIVE JOURNAL

NINETY-SECOND LEGISLATURE
SECOND SESSION

FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 13, 1992

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Moul presiding.

PRAYER

The prayer was offered by Major Robert Aldridge, Salvation Army, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. L. Johnson who was excused; and Messrs. Abboud, Bernard-Stevens, Byars, Chambers, Conway, Haberman, Hall, R. Johnson, Landis, Lindsay, Moore, Morrissey, Robinson, Schmit, Schrock, Wickersham, Withem, Mmes. Crosby, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the third day was approved.

MOTION - Adopt Temporary Rules

Mr. Lynch moved that the Rules, as now in our possession, be adopted for today only, Monday, January 13, 1992.

The motion prevailed.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the rereferral of legislative bill 927, the referral of legislative bills 941 through 993, legislative resolutions 210, 211CA, 212CA, 213CA, and Governor appointments.

LB	**Committee**
927	Revenue
941	Urban Affairs
942	Transportation
943	Appropriations
944	Banking, Commerce and Insurance
945	General Affairs
946	Government, Military and Veterans Affairs
947	Revenue
948	Natural Resources
949	Government, Military and Veterans Affairs
950	Urban Affairs
951	Business and Labor
952	Judiciary
953	Government, Military and Veterans Affairs
954	Transportation
955	Revenue
956	Revenue
957	Judiciary
958	Transportation
959	Agriculture
960	Agriculture
961	Agriculture
962	Revenue
963	Judiciary
964	Government, Military and Veterans Affairs
965	Government, Military and Veterans Affairs
966	Government, Military and Veterans Affairs
967	Business and Labor
968	Urban Affairs
969	Government, Military and Veterans Affairs
970	Health and Human Services
971	Agriculture
972	Revenue
973	Transportation
974	Business and Labor

975	Judiciary
976	Education
977	Government, Military and Veterans Affairs
978	Government, Military and Veterans Affairs
979	Transportation
980	Transportation
981	Natural Resources
982	Revenue
983	Health and Human Services
984	Banking, Commerce and Insurance
985	Banking, Commerce and Insurance
986	Revenue
987	Health and Human Services
988	Government, Military and Veterans Affairs
989	Government, Military and Veterans Affairs
990	Government, Military and Veterans Affairs
991	Judiciary
992	Government, Military and Veterans Affairs
993	Banking, Commerce and Insurance

LR	**Committee**
210	Government, Military and Veterans Affairs
211CA	Judiciary
212CA	Government, Military and Veterans Affairs
213CA	Judiciary

Natural Resources
Nebraska Ethanol Authority and Development Board
Ray L. Balderson
Stan Foster

(Signed) Jerome Warner, Chairperson
Legislative Council
Executive Board

ANNOUNCEMENT

Mrs. Labedz designates LB 78 as her priority bill.

REPORT

Received report from the Department of Environmental Control showing the financial status of Program #518, Construction Grants Program, in accordance with the provisions of Section 81-1533 of the Reissue Revised Statutes of Nebraska, 1943.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 92005

DATE:	January 9, 1992
SUBJECT:	Proposed Constitutional Amendment Authorizing the Exemption of Livestock from Property Taxation.
REQUESTED BY:	Senator Roger Wehrbein Nebraska State Legislature
WRITTEN BY:	Don Stenberg, Attorney General L. Jay Bartel, Assistant Attorney General

You have requested our opinion, under two scenarios, of the constitutionality of establishing a classification exempting "all livestock" from property taxation.

Under your first scenario, the Nebraska Constitution would be amended to: (1) authorize "separate and distinct treatment of tangible personal property for tax purposes;" (2) authorize the Legislature "to classify and exempt classes of tangible personal property from taxation;" and (3) authorize the Legislature to tax "depreciable tangible personal property." Presumably, your reference to permitting the Legislature to tax "depreciable tangible personal property" is intended to permit the Legislature to tax tangible personal property based on its depreciated value as determined for federal income tax purposes. Your question under this scheme is whether a legislative classification exempting all livestock from property taxation would create an unconstitutional classification if the Legislature were to also enact a tax on depreciable tangible personal property (other than depreciable livestock) based on its "depreciated value."

In Natural Gas Pipeline Co. v. State Bd. of Equal., 237 Neb. 357, 466 N.W.2d 461 (1991), the Nebraska Supreme Court addressed the validity under Neb. Const. art. III, § 18, of a legislative classification exempting "raiload rolling stock" from personal property taxation. Discussing the import of the prohibition against the enactment of special legislation or the establishment of unreasonable legislative classifications under Article III,

§18, the court, quoting State ex rel. Cone v. Bauman, 120 Neb. 77, 82-83, 231 N.W. 693, 695 (1930), stated:

> The rule is well established that the legislature may, for the purpose of legislating, classify persons, places, objects or subjects, but such classification must rest upon some difference in situation or circumstance which, in reason, calls for distinctive legislation for the class. The class must have a substantial quality or attribute which requires legislation appropriate or necessary for those in the class which would be inappropriate or unnecessary for those without the class.

237 Neb. at 370, 466 N.W.2d at 470.

The court further noted: "A legislative classification must operate uniformly on all within a class which is reasonable. Exemptions are allowed where they are made applicable to all persons of the same class similarly situated." Id. (citations omitted).

In striking down the exemption for "railroad rolling stock" established under LB 7, the court in Natural concluded:

> The Legislature's exemption of railroad rolling stock is not based on any real distinction between railroads and other common carriers.
>
> * * *
>
> We fail to see any real and substantial difference between personal property used for income production by one type of business and the same type of income-producing personal property used by another type of business.

Id. at 371, 466 N.W.2d at 470.

Shortly after issuing its decision in Natural, the court further defined the scope of the prohibition against special legislation in Haman v. Marsh, 237 Neb. 699, 467 N.W.2d 836 (1991). In Haman, the court noted a distinction between the rational basis standard of review employed in analyzing legislative classifications under the federal equal protection clause which do not involve a suspect class or a fundamental right, and the standard employed in assessing the validity of legislative classifications under the special legislation prohibition in the Nebraska Constitution. Specifically, the court stated:

> The test of validity under the special legislation prohibition is more stringent than the traditional rational basis test. Classifications must be based on some substantial difference of situation or circumstance that would naturally suggest the justice or expediency of diverse legislation with respect to the objects to be classified.

Id. at 713, 467 N.W.2d at 846-47 (citations omitted) (emphasis in original).

Under your first scenario, the Legislature would act, pursuant to constitutional authority, to classify and exempt all livestock from property taxation. In addition, the Legislature would act to tax tangible personal property subject to depreciation (other than depreciable livestock) at its value as determined after reducing such by depreciation allowed for federal income purposes. Irrespective of other constitutional concerns which such legislation may raise, we believe that legislation of this nature would run afoul of Article III, § 18.

Pursuant to federal law, a deduction is afforded for income tax purposes for the exhaustion, wear and tear of property used in a trade or business, or of property held for the production of income. I.R.C. § 167. Depreciation is allowable for tangible property but not for inventories, stock in trade, land apart from its improvements, or a depletable natural resource. Treas. Reg. § 1.167(a)-2. Farm buildings (except a personal dwelling), farm machinery, and other physical property (except land) are depreciable. Livestock acquired for work, breeding, or dairy purposes may be depreciated unless included in inventory. Treas. Reg. § 1.167(a)-6.

Thus, under your first scenario, the Legislature would establish all livestock as a class exempt from taxation, while establishing a class of depreciable tangible personal property as being subject to taxation based on its depreciated value. The class of depreciable tangible personal property subject to taxation would, however, not include depreciable livestock, which would be exempt by virtue of the exemption granted to all livestock. In our view, legislative enactment of a classification of this nature would violate the special legislation prohibition in Article III, § 18, as it would create an impermissible difference in treatment between similar property of the same class without the existence of any "real and substantial difference" justifying different treatment of some personal property within the class of depreciable personal property (depreciable livestock) and all other depreciable personal property. In other words, if the classification of personal property for ad valorem tax purposes is to be based on the "depreciated value" of personal property, it is highly unlikely that our supreme court would sustain the validity of the type of distinction proposed under your first scenario, which removes part of the class of depreciable personal property (depreciable livestock) from the burden of taxation imposed on the remainder of the class.

Under your second scenario, you ask us to consider whether a constitutional amendment specifically exempting all livestock from taxation, but authorizing the Legislature to classify and tax personal property based on its value as depreciated for federal income tax purposes (except depreciable livestock exempted from taxation under the constitution) would constitute impermissible "special legislation" prohibited by Neb. Const. art. III, § 18.

The simple answer to your question is that the adoption of a state constitutional amendment of this nature would not, in and of itself, violate

Article III, § 18. The prohibition contained in Article III, § 18, is a restriction on the power of the Legislature to enact legislation creating unreasonable classifications. As the classification creating different treatment of depreciable livestock and other depreciable personal property would arise by virtue of a classification created by the State Constitution, as opposed to legislative action creating the classification, the provisions of Article III, § 18, would not apply under this scenario.

The question which remains, however, is whether the establishment of such different treatment in the taxation of depreciable personal property under state law (either constitutional or statutory) would violate the guarantee of equal protection mandated under the Fourteenth Amendment to the United States Constitution.

The equal protection clause "imposes no iron rule of equality, prohibiting the flexibility and variety that are appropriate to reasonable schemes of state taxation." Allied Stores of Ohio, Inc. v. Bowers, 358 U.S. 522, 526 (1959). In structuring their internal tax structures, "the States have large leeway in making classifications and drawing lines which in their judgment produce reasonable systems of taxation." Lenhausen v. Lake Shore Auto Parts Co., 410 U.S. 356, 359 (1973). It is inherent in a state's power to tax that it be free to select the subjects of taxation, and to grant exemptions. Carmichael v. Southern Coal and Coke Co., 301 U.S. 495 (1937). In order for a state tax classification or scheme to withstand scrutiny under the equal protection clause, it is necessary only to consider whether the challenged classification or tax is rationally based and related to a legitimate state purpose. Exxon Corp. v. Eagerton, 462 U.S. 176 (1983). "A state tax law is not arbitrary although it 'discriminate{s} in favor of a certain class. . . if the discrimination is founded upon a reasonable distinction, or difference in state policy,' not in conflict with the Federal Constitution." Kahn v. Shevin, 416 U.S. 351, 355 (1974) (quoting Allied Stores of Ohio, Inc. v. Bowers, 358 U.S. 522, 528 (1959)).

Clearly the proposed classification favors depreciable livestock over other forms of depreciable personal property. The question is whether this classification is rationally based and related to a legitimate state purpose. Although the question is not free from doubt, we believe that a sound argument can be made that a rational basis exists to support the different classification and taxation of livestock (including depreciable livestock) and other depreciable personal property. The livestock industry is vitally important to the State of Nebraska. It generates income not only to those who own and sell livestock, but to grain farmers, livestock processing operations, and others. Nebraska cattlemen must compete with other states where livestock may not be subject to property taxation. Because of its potential for substantial market price fluctuations, the industry is recognized as a particularly risky one.

As previously noted, the United States Supreme Court has accorded states wide latitude in making classifications and creating distinctions for tax purposes, and has sustained state taxing schemes that have distinguished between personal property owned by corporations as opposed to individuals, Lenhausen v. Lake Shore Auto Parts Co., supra, between anthracite coal and bituminous coal, Heisler v. Thomas Colliery Co., 260 U.S. 245 (1922), and between commercial warehouses and private warehouses. Independent Warehouses, Inc. v. Scheele, 331 U.S. 70 (1947). The Nebraska Supreme Court is, of course, bound to follow the principles of judicial review under the equal protection clause of the Fourteenth Amendment established by the United States Supreme Court. While the Nebraska Supreme Court has taken a restrictive approach in analyzing classifications in the property tax area, we believe that, given the limited judicial scrutiny applicable to tax classifications under the rational basis standard of review utilized under the federal equal protection clause, such a classification would not be wholly indefensible.[1]

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[1] As you have not addressed any question to us concerning the constitutionality of the establishment of "depreciable personal property" as a classification for tax purposes, we have not addressed any constitutional issues which the adoption of such a classification may raise beyond your questions pertaining to the exclusion of depreciable livestock from the class of personal property to be taxed on the basis of its depreciated value, either by statute or pursuant to a constitutional amendment.

Very truly yours,
DON STENBERG
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

cc: Patrick O'Donnell
Clerk of Legislature
7-250-7.8

Opinion No. 92006

DATE: January 10, 1992

SUBJECT: Jurisdiction No. of the Nebraska State Patrol on State Highway Interstate 80 in Omaha

REQUESTED BY: Senator Scott Moore, Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
Warren D. Lichty, Jr., Assistant Attorney General

This is in response to your inquiry regarding Amendment No. 1165 to LB 377 now pending in the Nebraska State Legislature. This amendment purports until January 1, 1992, to limit the jurisdiction of the Nebraska State Patrol over freeways in metropolitan cities to carrier enforcement activities. You ask two specific questions. The first is:

"1) If Am. 1165 were adopted to Neb.Rev.Stat. Sec. 81-2006 who would have traffic jurisdiction on the Interstate system within the jurisdictional limits of the City of Omaha for the period affected by the amendment?"

It would appear that the answer, during such past period, is any law enforcement agency with power to arrest for traffic violations, such as local police, sheriff's officers, excepting the patrol.

At first blush, one might think this constitutes special legislation, but Article III, Section 18, Constitution of the State of Nebraska, which prohibits local or special laws in certain instances, appears not to cover this situation. This is is because no subparagraph of Article III, Section 18, appears to cover or relate to the situation raised by your amendment. The prohibitions against special legislation regulating the practice of courts of justice or affecting the jurisdiction and duties of justice of the peace, police magistrates and constables do not apply. Limiting the arrest powers of the State Patrol does not regulate the practice courts of justice. And since there are no longer justices of the peace or police magistrates, there an no possible effect there. Constables are now authorized and defined in Neb.Rev.Stat. §§25-2229 to 25-2239, and are given no other duties or authority than that of serving process. Since they appear to have no authority over motor vehicles and traffic, we do not believe this subsection would prohibit your amendment. Nor would limiting the patrol's power of arrest change the venue in any case. Therefore, since none of the subsections of Section 18 seem to address themselves to the authority of the patrol, we do not believe your amendment constitutes special legislation.

Your second question is:

"2) Who is responsible for traffic jurisdiction on the Interstate system within the jurisdictional limits of the city of Omaha under Neb. Rev. Stat. Sec. 81-2006 and any other relevant state law as it currently reads?"

You have indicated that you have need of this information in connection with other proposed legislation you are considering. This is a very difficult question inasmuch as a great number of statutory sections have some relevance thereto, either by direct reference, cross-reference, or circular reference.

Neb.Rev.Stat. §81-2006, the section which you anticipate amending, gives the State Patrol, sheriffs, police officers, or any other local peace officers, concurrent jurisdiction.

Neb.Rev.Stat. §81-2005 directs the State Patrol and all other peace officers mentioned in Section 39-6192, except carrier enforcement officers, to have the power of peace officers for the purpose of enforcing the provisions of "...law regulating the operation of vehicles or the use of the highways," together with arrest power therefor and certain other specific powers. The peace officers mentioned in section 39-6192 are, in addition to the State Patrol, all sheriffs and all deputy sheriffs of the several counties, all chiefs of police, and all policemen of all cities, all village marshals in all villages throughout the State of Nebraska. Although that section includes "marshals in all villages", the term "in all villages" would appear to be a limitation which excludes them from traffic jurisdiction on the interstate in the City of Omaha. There is a caveat, however, since section 39-6,192 indicates that the aforesaid officers therein mentioned are directed and have the duty to enforce the provisions of sections 39-669.21, 39-6,127, 39-6,133, 39-6,138, 39-6,140, 39-6,192, and 81-2,005, and are directed to exercise all the powers recited in section 81-2005. Section 39-669.21 is a violation section with a penalty for violation of sections 39-6,127, 39-6,133, 39-6,138, 39-6,140, 39-6,192 and 81-2,005. You will note that these are the sections cited in section 39-6,192, hence our reference to circular referencing of the statutes. Section 39-6,127 is a requirement for clearance lights on certain vehicles, section 39-6,133 is a requirement for brakes, section 39-6,138 is the requirement for head and tail lights on vehicles, section 39-6,140 is the section requiring headlights to be properly adjusted, 39-6,192 has already been mentioned, and section 81-2,005 is the section mentioned above at the beginning of this discourse. Since subparts (1) and (2) of section 81-2,005 give the mentioned officers power to enforce laws regulating the operation of vehicles and use of the highways and to make arrests therefor, it would appear to be unimportant that the officers mentioned in section 39-6,192 are only given power under 39-6,192 to enforce certain laws relating to equipment on vehicles. It is, however, a caveat that which must be raised, given the intention of amendment 1165 to LB 377 to remove jurisdiction over the Omaha interstate from the Nebraska State Patrol.

As to cities of the metropolitan class specifically, Neb.Rev.Stat. §14-603 gives the Chief of Police and officers authority for service of process and cases for violations of city ordinances authority coextensive with the county. Section 14-604 gives the Chief of Police authority to pursue and arrest any person fleeing from justice in any part of the State. Section 14-605 gives the Chief of Police like powers and like responsibilities as sheriffs in similar cases. And section 14-606 gives each policeman the same powers as constables in arresting all offenders against the laws of the State. They may also arrest all offenders against the ordinances of the city. There is a problem with Section 14-606, since, as previously stated, constables are not given power of arrest under current statutes.

The specific authority of sheriffs is contained in Neb.Rev.Stat. §23-1710 which provides that it is the duty of the sheriff to preserve the peace in his county, to ferret out crime, to apprehend and arrest all criminals.

Also, Neb.Rev.Stat. §39-6,188 contains the following statement:

> "It shall be the duty of the sheriffs of the several counties and other police officials to enforce the provisions of sections 39-6,123, 39-6,125, 39-6,126, 39-6,177 to 39-6,187, 60-301 to 60-343, and 79-488."

Of this group, the only section of interest to us is section 39-6,183, which, in part, provides:

> Any person operating any motor vehicle. . .in violation of any of the provisions of section 39-662, 39-663, 39-666, or 39-6,123. . .shall be deemed guilty of a traffic infraction. . . .

Sections 39-662, 663, and 666 are the speed limit statutes. Therefore, this section, in our opinion, is another section indicating that police departments and sheriffs are to enforce the speeding laws of the State of Nebraska. Therefore, we conclude that the agencies with duties to enforce traffic laws on the interstate in Omaha are the State Patrol, sheriff's office, and City police department.

Other sections, such as Neb.Rev.Stat. §29-401, may give additional authority, which would encompass traffic violations, but do not necessarily make it a duty to enforce such provisions. Therefore, after extensive manual and computer research of the statutes, we believe the aforesaid statutes are the only ones making it a responsibility of law enforcement offices and officers to enforce traffic regulations.

We fully understand, Senator, that the legislature has absolute power to define and redefine the duties of State agencies and officers, but we also believe it to be our duty to make the following comments for your consideration. The Department of Roads is committed to the federal government for a certain minimum standard of law enforcement on our federal-aid highways. Care should be taken to be sure that removal of any authority for duty of traffic law enforcement does not violate these minimums, thereby endangering future federal highway aid for construction and maintenance. See Title 23 U.S.C. §141 requiring states to certify to the U.S. Secretary of Transportation that they are enforcing certain laws.

Second, consideration should be given to the fact that depriving the State Patrol of authority on the interstate in Omaha might create a "safe haven" to which violators could flee when being pursued by the patrol, thus preventing their arrest.

We hope that this necessarily involved response will be of assistance to you.

Sincerely,
DON STENBERG
Attorney General
(Signed) Warren D. Lichty
Assistant Attorney General

cc: Patrick J. O'Donnell
Clerk of the Legislature

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 209.

GENERAL FILE

LEGISLATIVE BILL 858. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 5 present and not voting, and 19 excused and not voting.

LEGISLATIVE BILL 859. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 5 present and not voting, and 18 excused and not voting.

LEGISLATIVE BILL 860. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 861. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 9 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 862. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 10 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 863. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 864. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 865. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 866. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 867. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 868. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 869. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 870. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 871. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1029. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to elections; to amend sections 32-217 and 32-265, Reissue Revised Statutes of Nebraska, 1943; to provide for registration forms to be mailed with the challenge to voter registration and the letter of verification as prescribed; to change the period within which a challenged voter may respond; and to repeal the original sections.

LEGISLATIVE BILL 1030. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to chemigation; to amend section 46-1127, Reissue Revised Statutes of Nebraska, 1943; to require a shut-off device on irrigation distribution systems as prescribed; to provide a penalty; and to repeal the original section.

LEGISLATIVE BILL 1031. Introduced by Hall, 7.

A BILL FOR AN ACT relating to the Public Service Commission; to amend section 75-309.01, Reissue Revised Statutes of Nebraska, 1943; to exclude luxury limousine service from the requirement of obtaining a certificate of public convenience and necessity; to define terms; and to repeal the original section.

LEGISLATIVE BILL 1032. Introduced by Hall, 7.

A BILL FOR AN ACT relating to sales and use taxes; to amend section 77-2702, Revised Statutes Supplement, 1991; to redefine the terms contractor or repairperson and retail sale or sale at retail; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1033. Introduced by Landis, 46.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-201 to 8-233, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to trust companies; to provide powers and duties; to change provisions relating to boards of directors; to provide for certain investments; to provide for inactive trust companies; to provide for merger or consolidation; and to repeal the original sections.

LEGISLATIVE BILL 1034. Introduced by Ashford, 6.

A BILL FOR AN ACT relating to handguns; to amend sections 69-2405 and 69-2425, Revised Statutes Supplement, 1991; to provide for additional reasons to deny an application for a certificate to obtain a handgun; to provide for what an investigation consists of in determining whether an applicant for a certificate is qualified; to change provisions relating to when a city or village ordinance is preempted; and to repeal the original sections.

LEGISLATIVE BILL 1035. Introduced by Chizek, 31.

A BILL FOR AN ACT relating to health maintenance organizations; to adopt the Health Maintenance Organization Authorization Protection Act.

GENERAL FILE

LEGISLATIVE BILL 228. Title read. Considered.

Standing Committee amendment, AM0737, found in the Journal on page 1091, First Session, 1991, was considered.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The Standing Committee amendment lost with 18 ayes, 17 nays, 7 present and not voting, and 7 excused and not voting.

Mr. Lamb moved to indefinitely postpone LB 228.

Laid over.

LEGISLATIVE RESOLUTION 9CA. Read. Considered.

Messrs. Will and Hall moved to indefinitely postpone LR 9CA.

Messrs. Will and Hall withdrew their motion to indefinitely postpone.

Advanced to E & R for review with 26 ayes, 6 nays, 11 present and not voting, and 6 excused and not voting.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 437. Title read. Considered.

Standing Committee amendment, AM0798, found in the Journal on page 1135, First Session, 1991, was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 764. Title read. Considered.

Standing Committee amendment, AM0778, found in the Journal on page 1189, First Session, 1991, was adopted with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 312. Title read. Considered.

Standing Committee amendment, AM0791, found in the Journal on page 1190, First Session, 1991, was considered.

Mr. Rogers renewed his pending amendment, AM1097, found in the Journal on page 1876, First Session, 1991, to the Standing Committee amendment.

The Rogers amendment was adopted with 24 ayes, 0 nays, 19 present and not voting, and 6 excused and not voting.

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

The Standing Committee amendment, as amended, was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Messrs. Peterson, Robinson, and Lynch asked unanimous consent to be excused until they return. No objections. So ordered.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1036. Introduced by Ashford, 6.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend section 31-727.03, Revised Statutes Supplement, 1991; to change a provision relating to the contents of the statement which the district is required to file; and to repeal the original section.

LEGISLATIVE BILL 1037. Introduced by Ashford, 6.

A BILL FOR AN ACT relating to false reporting; to amend section 28-907, Reissue Revised Statutes of Nebraska, 1943; to change the penalty for the offense of false reporting; and to repeal the original section.

LEGISLATIVE BILL 1038. Introduced by Ashford, 6.

A BILL FOR AN ACT relating to the practice of pharmacy; to amend section 71-1,142, Reissue Revised Statutes of Nebraska, 1943; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 1039. Introduced by Ashford, 6.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-1205, Reissue Revised Statutes of Nebraska, 1943, and section 28-101, Revised Statutes Supplement, 1991; to prohibit possession of a gun on the premises of a school or youth center; to provide penalties; to define terms; to enhance the penalty for use of firearms to commit a felony on such premises; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1040. Introduced by Crosby, 29; Landis, 46; Schimek, 27; Warner, 25; Wesely, 26.

A BILL FOR AN ACT relating to retirement; to amend section 23-1118, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to contribution rates for counties having two hundred thousand inhabitants or more but not more than three hundred thousand inhabitants; and to repeal the original section.

LEGISLATIVE BILL 1041. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to dissolution of marriage; to amend section 42-364, Revised Statutes Supplement, 1991; to change provisions relating to child custody or visitation determinations; and to repeal the original section.

LEGISLATIVE BILL 1042. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to professional engineers and architects; to amend section 81-839, Reissue Revised Statutes of Nebraska, 1943; to prohibit the use of certain titles; and to repeal the original section.

LEGISLATIVE BILL 1043. Introduced by Withem, 14.

A BILL FOR AN ACT relating to postsecondary education; to establish the Nebraska Research Initiative Program; to provide duties for the Board of Regents of the University of Nebraska; and to provide a termination date.

LEGISLATIVE BILL 1044. Introduced by Withem, 14; Lindsay, 9; Lynch, 13.

A BILL FOR AN ACT relating to postsecondary educational instruction; to state intent; and to provide a requirement for certain faculty members.

LEGISLATIVE BILL 1045. Introduced by Chizek, 31.

A BILL FOR AN ACT relating to schools; to amend section 79-201, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to compulsory school attendance; and to repeal the original section.

LEGISLATIVE BILL 1046. Introduced by Bernard-Stevens, 42.

A BILL FOR AN ACT relating to juvenile detention facilities; to amend sections 83-4,124, 83-4,125, 83-4,131, 83-4,132, and 83-4,134, Reissue Revised Statutes of Nebraska, 1943, section 83-4,126, Revised Statutes Supplement, 1990, and section 83-4,133, Revised Statutes Supplement, 1991; to restate intent; to define a term; to authorize inspections of juvenile detention facilities; to eliminate an obsolete section relating to the administration standards for criminal detention facilities; to harmonize provisions; and to repeal the original sections, and also section 83-944, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1047. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to appropriations; to state intent; and to appropriate funds to increase payments to certain caregivers.

NOTICE OF COMMITTEE HEARINGS
Urban Affairs

LB 968	Tuesday, January 21, 1992	1:30 p.m.
LB 950	Tuesday, January 21, 1992	1:30 p.m.
LB 928	Tuesday, January 21, 1992	1:30 p.m.
LB 933	Tuesday, January 21, 1992	1:30 p.m.
LB 911	Tuesday, January 21, 1992	1:30 p.m.
LB 931	Tuesday, January 21, 1992	1:30 p.m.

(Signed) D. Paul Hartnett, Chairperson

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of January 10, 1992. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Adams, Don & Associates	
Adams, Donald - Omaha	**Free Enterprise Coalition**
Adams Jr., Donald - Lincoln	**Free Enterprise Coalition**
Allan, Marilyn J. - Lincoln	**Moors, H. Jack and Associates**

	Ryan, P.C., James E. (Withdrawn 10/15/91)
Bauman, K. N. - Columbus (Withdrawn 11/22/91)	GTE North Incorporated
Beattie, J. Gerald - Lincoln (Withdrawn 12/04/91)	Nebraska Farm Bureau Federation
Behnke, Judy - Lincoln	Nebraska State Education Association (Withdrawn 09/01/91)
Benson, Lorrie B. - Lincoln	Association of Nebraska Community Action Committee
Brandt, Henry - Lincoln	Bailey-Lauerman and Associates
Brasel, Bryce J. - Omaha (Withdrawn 07/31/91)	Nebraska Association of Homes for the Aging
Burling, Carroll - Lincoln	Nebraska Farm Bureau Federation
Campbell, Mary M. - Lincoln	Ryan, P.C., James E. (Withdrawn 10/15/91)
Cheloha, John A. - Omaha	National Association of Independent Insurers
Clark, Douglas R. - Lincoln (Withdrawn 06/06/91)	Retail Merchants Association of Nebraska
Cline, Williams, Wright, Johnson & Oldfather	
Campbell, Mary M. - Lincoln	EXCEL Management and Development Services
	Kimberly-Clark
	Lincoln Public Schools
	Nebraska Beer Wholesalers Association
	Nebraska Wholesale Liquor Distributors Association
Crosier, Donald A. - Lincoln	American Association of Retired Persons
Cutshall, Bruce - Lincoln	American Diaper Service (Withdrawn 10/01/91)
	Central Nebraska Public Power & Irrigation District (Withdrawn 10/01/91)
	FirsTier Financial, Inc.
	Nebraska County Judges Association
	Nebraska Public Power District
	U.S. Ecology (Withdrawn 10/01/91)
	Wet-Milling Alliance for Nebraska
DeCamp Legal Services, P.C.	
DeCamp, John - Lincoln	Region 4 Mental Health Service District (Withdrawn 06/05/91)
Delaney, Rayma L. - Lincoln	Decisions and Dignity in Dying
Dibbern, Chris - Lincoln	Nebraska Municipal Power Pool
Duxbury, Peggy - Denver, CO	MCI Telecommunications Corp. (Withdrawn 10/14/91)
Erickson & Sederstrom, P.C.	

Thone, Charles - Lincoln	Board of Educational Lands and Funds
	MEWA Coalition
	Nebraska Press Association (Withdrawn 01/09/92)
	The Century Council
Fischer, Thomas B. - Lincoln (Withdrawn 08/30/91)	FirsTier Financial, Inc.
Flannery, John S. - Des Moines, IA	GTE-Central
Fricke, Martha C. - Lincoln	Nebraska Association of School Boards
George, Sandra - Lincoln	Nebraska Press Advertising Services, Inc.
Grenier, Beverly Evans - Lincoln	Southeast Community College
Griess, Jim - Lincoln	Nebraska State Education Association
Harvey, Robert A. - Alliance	Brotherhood of Locomotive Engineers Nebraska State Legislative Board
Horne, Virgil L. - Lincoln	Lincoln Public Schools
Hutchinson, Paula Belford - Lincoln	Southeast Community College
Jensen Associates	
Jensen, Ronald L. - Lincoln	Nebraska Optometric Association
	Nebraska Podiatric Medical Association
Johnson, Vard R. - Omaha	Broadmoor Development Company (Withdrawn 07/19/91)
	Greater Omaha Chamber of Commerce
	Seldin Company (Withdrawn 07/19/91)
	Slosburg Company (Withdrawn 07/19/91)
Kay, Sara A. - Lincoln	Nebraska Water Resources Association
Kelley, Michael - Omaha	Nebraska Academy of Opthalmology
	U.S. Ecology
Kendrick, Leslie E. - Omaha	Douglas Racing Corporation
Kruger, Eric W. - Omaha	Farm Bureau Insurance
Lombardi-Erickson/American Communications Group	
Lombardi, Richard A. - Lincoln	Center for Rural Affairs
	Nebraska State Education Association (Withdrawn 07/01/91)
Mancuso, Mary J. - Lincoln	Association for Retarded Citizens
	O'Hara & Associates, Inc. (Withdrawn 11/01/91)
Miesbach, Neal L. - Omaha	Vision 20/20 Association
Milligan, Cynthia H. - Lincoln	Norwest Bank - Nebraska, N.A.
Moeller, James E. - Lincoln	Brotherhood of Locomotive Engineers-Nebraska Legislative Board (Withdrawn 01/08/92)
Moors, H. Jack - Lincoln	Donald D. Adams (Withdrawn 01/08/92)
	Nebraska Association of Tobacco & Candy Distributors
	Nebraska Water Resources Association
Mueller, William J./Knudsen, Berkheimer, et al. - Lincoln	
Mueller, William J. - Lincoln	Chief Ethanol Fuels, Inc.
	City of Fairbury

	Jobs for Nebraska
	Nebraska District Court Judges Association
Neal, William L. - Omaha	Omaha Public Power District
Nielsen, Coleen J. - Lincoln	State Farm Insurance
Niemann, Nicholas K. - Omaha	Greater Omaha Chamber of Commerce
O'Hara & Associates	
O'Hara, Paul V. - Lincoln	American Diaper Service
	Association for Retarded Citizens/Nebraska (Withdrawn 11/19/91)
	Nebraska Association of Private Resources (Withdrawn 01/01/92)
	Nebraska Indian Community College (Withdrawn 07/01/91)
Pappas, James E. - Lincoln	Nebraska Soft Drink Association (Withdrawn 11/01/91)
	Nebraska Water Users, Inc.
	O'Hara & Associates (Withdrawn 11/01/91)
	O'Hara & Associates (Reregistered 01/09/92)
	Ryan, P.C., James E. (Withdrawn 09/14/91)
	The Martell State Bank (Withdrawn 11/01/91)
	UNO Faculty
Patterson, Jr., Walter L.	Nebraska Cooperative Council
Prucha, George - Omaha	Nebraska Retail Grocers Association
Radcliffe, Walter H., Radcliffe & Associates - Lincoln	Arkansas Power and Light Company
	Central Interstate Low-Level Radioactive Waste Compact Commission (Withdrawn 1/02/92)
	Gulf States Utilities
	Louisiana Power and Light Company
	Nebraska Association of Correctional Employees (Withdrawn 1/08/92)
	Nebraska Home Builders and Contractors Association
	Nebraska Optometric Association
	Nebraska Wholesale Liquor Distributors Association
	Wolf Creek Nuclear Operating Corporation
Rasmussen, Dennis - Lincoln	Norwest Banks - Nebraska, N.A.
Reay, Deborah - Omaha	Nebraska Association of Private Resources
Ritchie, A. Jocelyn - Lincoln	Nebraska Advocacy Services, Inc.

Rose, Melanie - Omaha	Kelley & Lehan, P.C.
Ruth, Larry L./Knudsen, Berkheimer, et al. - Lincoln	Chief Ethanol Fuels, Inc. City of Fairbury Jobs for Nebraska Nebraska District Court Judges Association
Ryan, James E. - Lincoln (Deceased 06/18/91)	FirsTier Financial, Inc. (Withdrawn 08/30/91) Friends of Higher Education (Withdrawn 08/30/91) Handgun Control, Inc. (Withdrawn 06/30/91) Health Future Foundation (Withdrawn 08/30/91) Jobs for Nebraska (Withdrawn 08/30/91) Kimberly-Clark (Withdrawn 09/30/91) Lincoln Public Schools (Withdrawn 08/30/91) National Association of Independent Insurers (Withdrawn 08/30/91) Nebraska Association of Tobacco & Candy Distributors (Withdrawn 08/30/91) Nebraska Beer Wholesalers' Association (Withdrawn 09/30/91) Nebraska Judicial Council (Withdrawn 09/30/91) Nebraska Motor Carriers Association (Withdrawn 08/30/91) Nebraska Optometric Association (Withdrawn 08/30/91) Nebraska Public Power District (Withdrawn 08/30/91) Nebraska Wholesale Liquor Distributors Association (Withdrawn 09/30/91) Norwest Banks - Nebraska, N.A. (Withdrawn 08/30/91) US West (Withdrawn 08/30/91) 3M (Withdrawn 08/30/91)
Schaaf, Terry R. - Lincoln	Ryan, P.C., James E. (Withdrawn 06/30/91)
Sellentin, Jerry L. - Lincoln	Nebraska Republican Party
Simon, Ray - Omaha (Withdrawn 06/06/91)	American Association of University Professors-UNO
Skochdopole, R. A. - Omaha	FirsTier Financial, Inc.

Strange, Martin D. - Walthill	Center for Rural Affairs
Turner, Susan Kay - Lincoln	Kelley & Lehan, P.C.
Vanevenhoven, Mark - Omaha	Student Government of UNO
Vickers, Tom - Lincoln	Board of Educational Lands and Funds Class III's of Nebraska (Withdrawn 01/01/92) Westside Community Schools
Whitted Jr., Warren R. - Omaha (Withdrawn 07/22/91)	Enrollment Option Group
Willey, Bob - Lincoln (Withdrawn 09/17/91)	Farmers Insurance Group of Companies
Wright, Norman H.	Douglas Racing Corporation

UNANIMOUS CONSENT - Add Cointroducers

Mrs. Crosby asked unanimous consent to have her name added as cointroducer to LB 470. No objections. So ordered.

Messrs. Baack and L. Johnson asked unanimous consent to have their names added as cointroducers to LB 943. No objections. So ordered.

Mr. Coordsen, Mmes. Nelson, and Labedz asked unanimous consent to have their names added as cointroducers to LB 872. No objections. So ordered.

Mrs. Robak asked unanimous consent to have her name added as cointroducer to LB 942. No objections. So ordered.

Mr. L. Johnson asked unanimous consent to have his name added as cointroducer to LB 1013. No objections. So ordered.

Mr. Wickersham asked unanimous consent to have his name added as cointroducer to LB 899. No objections. So ordered.

UNANIMOUS CONSENT - Withdraw Cointroducers

Mr. Will asked unanimous consent to have his name withdrawn as cointroducer to LB 327. No objections. So ordered.

Mr. Ashford asked unanimous consent to have his name withdrawn as cointroducer to LB 327. No objections. So ordered.

VISITORS

Visitors to the Chamber were 20 members of the Student Council of Clinton Elementary and sponsors; Mr. and Mrs. Dallas Watkins and children, Nicole, Kelsey, and Kyle from Benkelman; and 16 members of the DOER group from Knox County.

RECESS

At 11:49 a.m., on a motion by Speaker Baack, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:32 p.m., President Moul presiding.

ROLL CALL

The roll was called and all members were present except Mr. L. Johnson who was excused; and Messrs. Abboud, Ashford, Beutler, Chambers, Elmer, Haberman, Hall, Horgan, Landis, Schellpeper, Schmit, Schrock, Mmes. Labedz, Pirsch, and Robak who were excused until they arrive.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 398. Placed on Select File as amended.
E & R amendment to LB 398:
AM5182

1. Strike original section 4 and all amendments thereto and insert the following new section:

"Sec. 7. That original sections 2-203.06, 2-219, and 2-229, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

2. On page 1, line 1, after "societies" insert "and fairs; to amend sections 2-203.06, 2-219, and 2-229, Reissue Revised Statutes of Nebraska, 1943; to require compliance with the Records Management Act and provisions regarding open meetings"; strike beginning with "amend" in line 2 through "to" in line 5; in line 7 strike "and" and insert "to require votes to be cast personally and not by proxy;"; in line 9 after the semicolon insert "to change provisions relating to activities prohibited during fairs; to harmonize provisions;"; and in line 10 strike "section" and insert

"sections".

3. On page 2, line 8, after the comma insert "Reissue"; in line 9 strike "Supplement, 1990" and insert "of Nebraska, 1943"; and in line 12 after "society" insert an underscored comma.

LEGISLATIVE BILL 245. Placed on Select File as amended.
E & R amendment to LB 245:
AM5178

1. In the Withem amendment, AM2363:

a. Remove underscoring on pages 1 through 4;

b. On page 1, strike line 17;

c. On page 2, line 23, after "member" insert a comma;

d. On page 3, line 15, after "Commission" insert a comma; and

e. On page 4, line 16, after "science" insert a comma.

2. On page 1, line 5, after the semicolon insert "and"; and in line 6 strike "; and to declare an emergency".

LEGISLATIVE BILL 245A. Placed on Select File as amended.
E & R amendment to LB 245A:
AM5179

1. On page 1, line 4; and page 2, line 6, strike "First Session, 1991" and insert "Second Session, 1992".

2. On page 2, line 2, strike "FY1991-92" and insert "FY1992-93"; and in line 3 strike "FY1992-93" and insert "FY1993-94".

LEGISLATIVE BILL 562. Placed on Select File as amended.
E & R amendment to LB 562:
AM5184

1. In the Standing Committee amendments, AM0407:

a. Because of the amendment of section 79-2664 by Laws 1991, LB 663, section 52, strike section 2 and insert the following new section:

"Sec. 2. That section 79-2664, Revised Statutes Supplement, 1991, be amended to read as follows:

79-2664. There is hereby created the Nebraska Community College Aid Cash Fund. The fund shall be under the direction of the Nebraska Community College Aid, Grant, and Contract Review Committee. The Legislature may appropriate nongeneral funds and transfers pursuant to subdivision ~~(b)(3)~~ (c) of section 48-621 to the fund. The fund shall be used to provide aid, grants, or contracts to the community colleges for the purposes of funding grants for vocational-technical faculty training, instructional equipment upgrades, employee assessment, preemployment training, employment training, and dislocated worker programs benefiting the State of Nebraska. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276. ~~Any money in the Nebraska Technical Community College Aid Cash Fund on June 30, 1991, shall be transferred to the Nebraska Community College Aid Cash Fund on such date.~~"; and

b. On page 2, line 4, strike "Technical"; and in line 6 strike the first "and".

2. Strike original section 3 and all amendments thereto and insert the following new section:

"Sec. 4. That original section 48-621, Revised Statutes Supplement, 1990, and section 79-2664, Revised Statutes Supplement, 1991, and also section 81-1201.21, Revised Statutes Supplement, 1990, are repealed.".

3. On page 1, line 3, after "1990" insert ", and section 79-2664, Revised Statutes Supplement, 1991"; strike beginning with the second "the" in line 5 through line 8; and strike beginning with the second "sections" in line 11 through "and" in line 12 and insert "section".

LEGISLATIVE BILL 523. Placed on Select File as amended.
E & R amendment to LB 523:
AM5183

1. In the Chizek amendment, AM2343, on page 2, line 7, strike "subsection" and insert "subdivision".

2. On page 1, line 1, after the semicolon insert "to amend section 81-1850, Revised Statutes Supplement, 1991;"; in line 2 after the semicolon insert

"to harmonize provisions;"; and in line 7 after "repeal" insert "the original section, and also".

LEGISLATIVE BILL 452. Placed on Select File.

(Signed) Eric Will, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 994 through 1028 and legislative resolutions 214CA and 215CA.

LB	**Committee**
994	Revenue
995	Revenue
996	Revenue
997	Revenue
998	Government, Military and Veterans Affairs
999	Judiciary
1000	Judiciary
1001	Nebraska Retirement Systems
1002	Government, Military and Veterans Affairs
1003	Business and Labor
1004	Revenue
1005	Natural Resources
1006	Banking, Commerce and Insurance
1007	Education
1008	Urban Affairs
1009	Banking, Commerce and Insurance
1010	Business and Labor
1011	Agriculture
1012	Banking, Commerce and Insurance
1013	Revenue
1014	Judiciary
1015	Health and Human Services
1016	Health and Human Services
1017	Health and Human Services
1018	Health and Human Services
1019	Health and Human Services
1020	Natural Resources
1021	Revenue
1022	Appropriations

1023	Education
1024	Agriculture
1025	Revenue
1026	Revenue
1027	Appropriations
1028	Natural Resources

LR	**Committee**
214CA	Revenue
215CA	Revenue

(Signed) Jerome Warner, Chairperson
Legislative Council
Executive Board

GENERAL FILE

LEGISLATIVE BILL 338. Title read. Considered.

Standing Committee amendment, AM0096, found in the Journal on page 1293, First Session, 1991, was adopted with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

Mr. Beutler offered the following amendment:
FA222
On line 20, page 4 change the words "twenty five" to "fifty"

The Beutler amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

SPEAKER BAACK PRESIDING

Advanced to E & R for review with 26 ayes, 4 nays, 13 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 406. Title read. Considered.

Standing Committee amendment, AM0792, printed separately from the Journal and referred to on page 1295, First Session, 1991, was considered.

Mr. R. Johnson renewed his pending amendment, AM2326, printed separately from the Journal and referred to on page 177, to the Standing Committee amendment.

The R. Johnson amendment was adopted with 20 ayes, 1 nay, 24 present and not voting, and 4 excused and not voting.

Mr. Schmit offered the following amendment to the Standing Committee amendment:
FA223
On Pg 9 line 16 strike "twenty" and insert "forty".

The Schmit amendment lost with 4 ayes, 14 nays, 29 present and not voting, and 2 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 28 ayes, 1 nay, 18 present and not voting, and 2 excused and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 406A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 216. Introduced by Kristensen, 37; Elmer, 38.

WHEREAS, the town of Superior has a rich history of Victorian architecture and a collection of beautiful ornate homes and buildings indicative of the Victorian era; and

WHEREAS, Evelene Brodstone was born and raised in Superior, became the highest paid female executive in the world during the 1920's, and later became Lady Vestey; and

WHEREAS, Lady Vestey never forgot her hometown and endowed it with many gifts including the Brodstone Memorial Nuckolls Hospital. She is buried in the family plot in Evergreen Cemetery in Superior; and

WHEREAS, Superior is planning one of the largest festivals in the history of the state, the Lady Vestey Festival, for Memorial Day weekend in 1992; and

WHEREAS, a twenty-seat tour trolley has been built to transport people on historical tours of Superior; and

WHEREAS, there are thirty-five historical attractions reflective of the Victorian era throughout the town on the tour; and

WHEREAS, plans are being made to restore the 1930's Leslie Hotel and other major buildings in the town; and

WHEREAS, Superior has so much history, so many beautiful and ornate Victorian homes and buildings, and has promoted the Victorian era and its history by planning and nationally promoting the Lady Vestey Festival.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature recognizes the town of Superior, its beautiful Victorian homes and buildings, and the work of the people of Superior to make the Lady Vestey Festival successful by declaring the town of Superior the Victorian Capital of Nebraska.
2. That a copy of this resolution be sent to the city of Superior.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Lindsay asked unanimous consent to print the following amendment to LB 424 in the Journal. No objections. So ordered.

AM2385

1. On page 9, line 10, after "(7)" insert "Every sheet of every petition circulated by a paid circulator shall have upon it the following language in letters not smaller than sixteen-point type in a contrasting color from other print on the petition: This petition is circulated by a paid circulator.

(8)"; and in line 20 strike "(8)", show as stricken, and insert "(9)".

2. Insert the following new section:

"Sec. 3. That section 32-1404, Revised Statutes Supplement, 1990, be amended to read as follows:

32-1404. (1) All papers comprising a recall petition shall be filed, as one instrument, for signature verification with the filing clerk within thirty days after the filing clerk issues the initial petition papers to the principal circulator or circulators under subsection (2) of section 32-1403.

The petition shall be filed with the filing clerk by any principal circulator.

(2) Within ten days after the filing of the petition, the filing clerk shall ascertain whether or not the petition is properly signed by the requisite number of registered voters. If the requisite number of signatures has not been gathered, the filing clerk shall file the petition in his or her office without prejudice to the filing of a new petition for the same purpose. If the filing clerk finds that any signer did not correctly affix his or her signature or other information as set forth in subsection ~~(7)~~ (8) of section 32-1403, he or she shall promptly notify the principal circulator or circulators that the petition may be cured at any time within ten days after the giving of such notice by the filing of a supplementary petition, with the corrected material, on additional petition papers issued and filed as provided for the original petition papers. No new signatures may be added after the initial filing of the petition and no signatures may be removed unless the filing clerk receives an affidavit signed by the person requesting his or her signature be removed. The filing clerk shall, within five days after the filing of any supplementary petition under this subsection, examine the supplementary petition papers to determine whether the incorrect material has been adequately corrected.

(3) Following the examination of a supplementary petition, the filing clerk shall join the supplementary petition papers to the original petition and attach a certificate indicating whether the petition as corrected has been signed by the requisite number of registered voters. If the certificate shows the petition as corrected to be insufficient, the filing clerk shall file the petition in his or her office without prejudice to the filing of a new petition for the same purpose.

(4) If due to reapportionment the boundaries of the district change, the recall procedure and special election shall apply to the registered voters in the new district.".

3. On page 10, line 5, strike "and" and insert a comma; and in line 6 after the first comma insert "and

32-1404,".

4. Renumber the remaining section accordingly.

PROPOSED RULES CHANGES

Mr. Hartnett asked unanimous consent to print the following proposed rule changes in the Journal. No objections. So ordered.

Change Rule 3, Section 2 to read as follows:

Section 2. (a) (i) At the commencement of each session, the Legislature shall elect a Committee on Committees to consist of ~~thirteen~~ nineteen members, one at large who shall be chairperson, and three from District Number 1 consisting of legislative districts Numbers ~~1 through 3, 25 through 30, 32, 45, and 46;~~ 21, 24 through 29, and 46; three from District Number 2 consisting of legislative districts Numbers ~~4 through 14, 20, and 31,~~ 1, 2, 15, 22, 23, 30, 32, and 34; three from District Number 3 consisting of legislative districts Numbers ~~15 through 19, 21 through 24, 34, 35, and 40;~~ 3, 4, 12, 14, 20, 31, 39, and 45; ~~and~~ three from District Number 4 consisting of legislative districts Numbers ~~33, 36 through 39, 41 through 44, and 47 through 49.~~ 16 through 19, 33, 35, 37, 40, and 41; three from District Number 5 consisting of legislative districts Numbers 5 through 11 and 13; and three from District Number 6 consisting of legislative districts Numbers 36, 38, 42 through 44, and 47 through 49.

Add new subdivision Rule 3, Section 2 (a)(ii):

(a)(ii) In determining the membership of the Appropriations Committee, the Committee on Committees shall appoint three members from combined Districts Numbers 1 and 2; three members from combined Districts Numbers 3 and 5; and three members from combined Districts Numbers 4 and 6. The Chairman of the Appropriations Committee shall count as one of the three members from whichever District he is a member.

NOTICE OF COMMITTEE HEARINGS

Transportation

Governor Appointment Tuesday, January 21, 1992 1:30 p.m.
Allan L. Abbott - Director, Department of Roads

LB 899	Tuesday, January 21, 1992	1:30 p.m.
LB 873	Tuesday, January 21, 1992	1:30 p.m.

(Signed) Doug Kristensen, Chairperson

ATTORNEY GENERAL'S OPINION

Opinion No. 92007

DATED: January 10, 1992

SUBJECT: Request of Legal Opinion Regarding the Identification of the Persons Constituting Membership of the Classified Service pursuant to Neb.Rev.Stat. 23-1721 to 23-1737

REQUESTED BY: Senator Jennie Robak, Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
Kenneth W. Payne, Assistant Attorney General

This letter is in response to your correspondence directed to Attorney General, Don Stenberg in reference to the above caption.

The following are our responses to your specific questions in the order as you presented them:

QUESTION (1): Do any of these changes alter the scope of the existing law with regard to who is included in the Classified Service?

ANSWER: Yes

QUESTION (2): If so, which ones?

ANSWER: See discussion below

QUESTION (3): If all three of the proposed changes alter the scope of the existing law, could you give me guidance as to who should be included in the classified service under the existing statute?

ANSWER: We are unable to give you guidance as to who should be included in the classified service as presented in this question. This is a policy matter rather than a question of law.

QUESTION (2): Does the existing Neb.Rev.Stat. §§ 23-1721 to 23-1737 include employees other than deputy sheriffs as part of the classified service?

ANSWER: The composition of the classified service pursuant to Neb.Rev.Stat. §§ 23-1721 to 23-1737 originally intended to include only deputy sheriffs. Civilian employees were not intended to benefit from the sections.

DISCUSSION: A reading of the legislative history of the sections suggests that the Supreme Court in Freese v. County of Douglas, 210 Neb. 521, 315 N.W.2d 638 (1982), correctly determined that the purpose of the bill was "to insulate deputy sheriffs in the designated counties from the hazards of politics which a career deputy sheriff might suffer each time a new sheriff was elected to office." Id.

Neb.Rev.Stat. §§ 23-1721 to 23-1737 originally created in 1969 by LB 784, was a merit program for the sheriffs' division of the county employees. At the same time LB 784 was introduced, a similar type of bill, LB 783 was introduced which would effect all county employees, including the sheriff's office (Hearing LB 783 and 784, 1969).

LB 783 was never passed, and during the hearing on the two bills, it was agreed that the reason LB 784 pertaining to the sheriff's office needed to be passed was because of the dangers and hard work of law enforcement as opposed to doing office work like other county employees (Hearing LB 783 and 784, 1969, pp. 15-16). One speaker noted that the importance of LB 784 was to "improve the professional competency of the law enforcing officer" (Hearing, 1969, p. 12). Also, there were concerns that because other service organizations such as the Highway Patrol and Omaha Police have a thirty-year age limit, deputies who were fired after an election would be too old to find another job in their field (Hearing, 1969, p. 17).

Subsequently, bills have been passed amending the sections. These amendments were introduced to extend the scope of the sections to include smaller counties. A review of the history on these bills also indicates the concern of protecting deputy sheriffs. "Our purpose was to provide some security for deputies who have selected law enforcement as their profession . . . this would provide an equal opportunity for individuals seeking employment as deputy sheriff" (Hearing LB 1093, 1972). In 1982, it was suggested that the sections would reduce costs to counties because after an election, thousands of dollars are spent training new deputies (Hearing LB 782, 1982, p. 4).

CONCLUSION: It can clearly be argued that the original intent of the bills was to protect only deputy sheriffs. It is also clear that civilian employees are not considered part of the classified service. The history does not indicate exactly where matrons and jailers fall. However, if deputy sheriffs are classified service and civilian personnel are not, it follows that the question of whether jailers and matrons are included becomes a question of whether they are also deputy sheriffs. If so, they comprise part of the classified service.

Consequently, applying the impact of existing law as interpreted by this opinion to the three drafts of proposed legislation:

1. Proposal No. 1 would result in including jailers and matrons as part of the classified service. Notwithstanding, you would need to carry through and amend Neb.Rev.Stat. §23-1730 to reflect the desired change of including jailers and matrons.
2. The term "County Corrections Employees" is vague. Again it would appear that there would be a problem as to who would be included in this broad definition.
3. This change in language eliminates the confusion that apparently exists as to whether jailers and matrons are to be included in Neb.Rev.Stat. §23-1726. This change would make Neb.Rev.Stat. §23-1726 consistent with Neb.Rev.Stat. §23-1730, i.e., excluding jailers and matrons.

If you have any additional questions related to this request, please feel free to contact me.

Very truly yours,
DON STENBERG
Attorney General
(Signed) Kenneth W. Payne
Assistant Attorney General

34-674-4

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1048. Introduced by Withem, 14.

A BILL FOR AN ACT relating to the State Fire Marshal; to amend section 81-541.01, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the high-rise building fire code; and to repeal the original section.

LEGISLATIVE BILL 1049. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to the State Tort Claims Act; to amend section 81-8,235, Reissue Revised Statutes of Nebraska, 1943; to provide for a limit on recovery in actions brought against the state under the State Tort Claims Act; and to repeal the original section.

LEGISLATIVE BILL 1050. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-108, 60-111, 60-119, 60-122, and 77-1240.04, Reissue Revised Statutes of Nebraska, 1943, sections 60-107 and 60-115, Revised Statutes Supplement, 1990, and sections 60-106, 60-112, and 77-1240.03, Revised Statutes Supplement, 1991; to authorize the consolidation of services relating to the issuance of certificates of title, registration certificates, license plates, and renewal decals in certain counties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1051. Introduced by Robak, 22.

A BILL FOR AN ACT relating to the county sheriff's office; to amend section 23-1726, Reissue Revised Statutes of Nebraska, 1943; to redefine classified service; and to repeal the original section.

LEGISLATIVE BILL 1052. Introduced by Robak, 22.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-124, Revised Statutes Supplement, 1991; to provide for a license to sell alcoholic liquor outside the corporate limits of cities and villages as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1053. Introduced by Will, 8.

A BILL FOR AN ACT relating to childhood sexual abuse; to amend sections 25-212 and 25-213, Reissue Revised Statutes of Nebraska, 1943; to establish a statute of limitations for civil actions based on childhood sexual abuse; to define terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1054. Introduced by Conway, 17.

A BILL FOR AN ACT relating to income taxation; to amend section 77-2701, Revised Statutes Supplement, 1991; to create a tax credit for depreciable personal property; to harmonize provisions; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1055. Introduced by Schmit, 23; Coordsen, 32; Dierks, 40; Elmer, 38; Hefner, 19; Moore, 24; Rogers, 41; Schellpeper, 18; Schrock, 39.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 10-612, 13-1108, 14-1821, 15-318, 15-319, 15-808, 16-702, 21-17,126, 23-320.07, 23-3501, 23-3502, 23-3515, 31-411.02, 31-447, 35-504, 35-505, 35-506, 35-507, 35-514, 35-531, 35-535, 39-1518, 44-2414, 46-541, 46-542, 46-543, 46-544, 77-202.01 to 77-202.06, 77-381, 77-398, 77-399, 77-3,100, 77-415, 77-505, 77-506, 77-507.01, 77-508, 77-602, 77-603, 77-604, 77-801, 77-802, 77-1202, 77-1209, 77-1209.02, 77-1209.03, 77-1209.04, 77-1239, 77-1240.01, 77-1242.02, 77-1301, 77-1342, 77-1503.01, 77-1506.01, 77-1507, 77-1613, 77-1613.02, 77-1616, and 79-481, Reissue Revised Statutes of Nebraska, 1943, and sections 77-201, 77-202, 77-202.24, 77-509, 77-510, 77-1504, 77-1506,02, and 77-2716.02, Revised Statutes Supplement, 1991; to exempt personal property other than certain vehicles from taxation; to eliminate provisions relating to taxation of personal property; to harmonize provisions; to provide duties for the Tax Commissioner and Revisor of Statutes; to provide an operative date; and to repeal the original sections, and also sections 15-320, 77-103.01, 77-202.46, 77-202.47, 77-205, 77-206, 77-1201, 77-1202.01, 77-1209.05, 77-1210, 77-1211, 77-1212, 77-1214, 77-1215, 77-1216, 77-1229, 77-1229.01, 77-1233, 77-1233.02, 77-1233.03, 77-1241.01, 77-1244, 77-1245, 77-1246, 77-1247, 77-1248, 77-1249, 77-1249.01, 77-1250, and 77-1250.02 to 77-1250.05, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1056. Introduced by Crosby, 29; Ashford, 6; Bernard-Stevens, 42; Robak, 22.

A BILL FOR AN ACT relating to appropriations; to state intent; and to appropriate funds to the Department of Social Services for domestic violence programs.

LEGISLATIVE BILL 1057. Introduced by Nelson, 35; Chizek, 31; Cudaback, 36; Hillman, 48; Lynch, 13; Robak, 22.

A BILL FOR AN ACT relating to the Retirement System for Nebraska Counties; to amend sections 23-2307, 23-2308, and 23-2310, Reissue Revised Statutes of Nebraska, 1943; to change the amount of a member's contribution; to specify the composition of payments to the primary carrier; to change provisions relating to a member's employer account; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 1058. Introduced by Morrissey, 1; Baack, 47; Rogers, 41.

A BILL FOR AN ACT relating to emergency medical services; to amend sections 71-5101, 71-5102, 71-5105, 71-5109, 71-5110, 71-5111, 71-5113, 71-5115, 71-5116, 71-5119, 71-5120, 71-5134, 71-5135, 71-5137, and 71-5139, Reissue Revised Statutes of Nebraska, 1943, and section 71-507, Revised Statutes Supplement, 1991; to provide for emergency medical technicians-AM and emergency medical technicians-IV; to provide for training, instructors, certification, licensure, and disciplinary actions; to harmonize provisions; and to repeal the original sections.

RESOLUTION

LEGISLATIVE RESOLUTION 217CA. Introduced by Beutler, 28.

A resolution to propose amending the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the general election in November 1992 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska to amend Article III, section 4, and to add a new section 3A to Article III:

CIII-3A "The Legislature may enact laws expressly conditioned upon ratification by the people. Such laws shall not be presented to the Governor."

CIII-4 "The whole number of votes cast for Governor at the general election next preceding the filing of an initiative or referendum petition shall be the basis on which the number of signatures to such petition shall be computed.

The veto power of the Governor shall not extend to measures initiated by or referred to the people, to laws enacted by the Legislature expressly conditioned upon ratification by the people, or to such measures ratified by the people. A measure initiated by the people or a law enacted by the Legislature expressly conditioned upon ratification by the people shall become a law or part of the Constitution, as the case may be, when a majority of the votes cast thereon, and not less than thirty-five

~~per cent~~ percent of the total vote cast at the election at which the same was submitted, are cast in favor thereof, and shall take effect upon proclamation by the Governor which shall be made within ten days after the official canvass of such votes. The vote upon initiative, ~~and~~ referendum, and ratified measures shall be returned and canvassed in the manner prescribed for the canvass of votes for president.

The method of submitting and adopting amendments to the Constitution provided by this section shall be supplementary to the method prescribed in ~~the article~~ Article XVI of this Constitution, ~~entitled, "Amendments"~~ and the latter shall in no case be construed to conflict ~~herewith~~ with this section. The provisions with respect to the initiative, ~~and~~ referendum, and ratification shall be self-executing, but legislation may be enacted to facilitate their operation.

All propositions submitted in pursuance hereof shall be submitted in a ~~non-partisan~~ nonpartisan manner and without any indication or suggestion on the ballot that they have been approved or endorsed by any political party or organization. Only the title or proper descriptive words of measures shall be printed on the ballot, and when two or more measures have the same title, they shall be numbered consecutively in the order of filing with the Secretary of State and the number shall be followed by the name of the first petitioner on the corresponding petition.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

> "A constitutional amendment to authorize the Legislature to enact laws expressly conditioned upon ratification by the people, to prohibit the veto power of the Governor from extending to such measures, and to provide for the manner of submission and adoption of such measures.
> For
> Against".

Referred to the Reference Committee.

GENERAL FILE

LEGISLATIVE BILL 543. Title read. Considered.

Standing Committee amendment, AM0726, found in the Journal on page 2174, First Session, 1991, was considered.

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Standing Committee amendment lost with 6 ayes, 20 nays, 21 present and not voting, and 2 excused and not voting.

Mrs. Nelson withdrew her pending amendment, AM2334, found in the Journal on page 188.

Mrs. Nelson renewed her pending amendment, AM2335, found in the Journal on page 190.

Mrs. Labedz and Mr. Beyer asked unanimous consent to be excused. No objections. So ordered.

The Nelson amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Messrs. Lamb and Wehrbein asked unanimous consent to be excused. No objections. So ordered.

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Advanced to E & R for review with 30 ayes, 1 nay, 12 present and not voting, and 6 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 218. Introduced by Chambers, 11.

WHEREAS, the North Omaha Boys Club Bears Football Team participated in the 19th annual (1991) National Youth Football Championships in Daytona Beach, Florida; and
WHEREAS, the Bears won the National Championship by defeating a New Jersey team having a 15-game winning streak; and
WHEREAS, the Team had to overcome unexpected obstacles such as a 7-hour delay due to the bus breaking down, and illness from the flu requiring several players to receive treatment in the emergency room at Daytona Beach Hospital; and
WHEREAS, The Team's stellar performance demonstrated that North Omaha athletes are competitive with any athletes in America; and
WHEREAS, the Program emphasizes total development of the individual; and football, therefore, serves merely as the magnet to draw young men to

better themselves academically and socially, and to resist the allure of harmful activities; and

WHEREAS, football practice is limited to three times per week so that other days may be reserved for mandatory tutoring and a social enhancement program which includes guest speakers and tours of businesses; and

WHEREAS, the name BEARS is an acronym for Building Esteem And Responsibility Systematically; and

WHEREAS, Mr. John W. Goodwin has devoted time and resources to the furtherance of the Program's goals.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the Bears and its Coaching Staff for winning the National Championship and applauds the North Omaha Boys Club for hosting such a positive, productive Program.

2. That a copy of this Resolution be sent to Head Football Coach Mike Carter; the North Omaha Boys Club; and Mr. John W. Goodwin

Laid over.

LEGISLATIVE RESOLUTION 219CA. Introduced by Warner, 25, Landis, 46, Withem, 14, at the request of the Governor.

A resolution to propose amending the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at a special election on May 12, 1992, there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska to amend Article VIII, sections 1, 2, and 5:

CVIII-1 "The necessary revenue of the state and its governmental subdivisions shall be raised by taxation in such manner as the Legislature may direct. ~~Taxes shall be levied by valuation uniformly and proportionately upon all tangible property and franchises, except that: (1) The~~ Notwithstanding Article I, section 16, Article III, section 18, or Article VIII, section 4, of this Constitution or any other provision of this Constitution to the contrary: (1) Taxes shall be levied by valuation uniformly and proportionately upon all real property and franchises as defined by the Legislature except as otherwise provided in or permitted by this Constitution; (2) tangible personal property, as defined by the Legislature, unless exempt by this Constitution or by legislation, may be taxed in whole or in part by valuation or otherwise in such manner as the Legislature may direct; (3) the Legislature may provide for a different method of taxing motor vehicles and may also establish a separate class of motor vehicles consisting of those owned and held for resale by motor vehicle dealers which shall be taxed in the manner and to the extent provided by the Legislature and may also establish a separate class for trucks, trailers, semitrailers, truck-tractors, or combinations thereof, consisting of those owned by residents and nonresidents of this state, and operating in interstate commerce, and may provide reciprocal and proportionate taxation of such vehicles; PROVIDED, that such tax proceeds from motor vehicles taxed in each county shall be allocated to the ~~state,~~ counties, townships, cities, villages, ~~and~~ school districts, and other governmental subdivisions of such county in the same proportion that the levy of each bears to the total levy of the county on ~~personal tangible~~ taxable property; ~~and (2)~~ (4) the Legislature may provide that agricultural land and horticultural land, as defined by the Legislature, shall constitute a separate and distinct class of property for purposes of taxation and may provide for a different method of taxing agricultural land and horticultural land which results in values that are not uniform and proportionate with all other ~~tangible~~ real property and franchises but which results in values that are uniform and proportionate upon all property within the class of agricultural land and horticultural land; (5) the ~~. The~~ Legislature may enact laws to provide that the value of land actively devoted to agricultural or horticultural use shall for property tax purposes be that value which such land has for agricultural or horticultural use without regard to any value which such land might have for other purposes or uses; (6) the Legislature ~~and~~ may prescribe standards and methods for the determination of the value of real ~~or other tangible~~ property at uniform and proportionate values; (7) a method of valuing, assessing, and taxing tangible personal property which may be adopted by the Legislature may include, but is not limited to, a method which is based upon the laws of the United States in effect from time to time; (8) in furtherance of the purposes for which a law of the United States has been adopted, whenever there exists a law of the United States which is intended to protect a specifically designated type, use, user, or owner of property or franchise from discriminatory state or local taxation, such property or franchise may constitute a separate class of property or franchise under the laws of the State of Nebraska, and such property or franchise may not be taken into consideration in determining whether taxes are levied by valuation uniformly or proportionately upon any property or franchise, and the Legislature may enact laws which statutorily recognize such class and which tax or exempt from taxation such class of property or franchise in such manner as it determines; and (9) the

Legislature may provide that livestock shall constitute a separate and distinct class of property for purposes of taxation and may further provide for reciprocal and proportionate taxation of livestock located in this state for only part of a year. Taxes uniform as to class of property or the ownership or use thereof may be levied by valuation or otherwise upon classes of intangible property as the Legislature may determine, and such intangible property held in trust or otherwise for the purpose of funding pension, profit-sharing, or other employee benefit plans as defined by the Legislature may be declared exempt from taxation. Taxes other than property taxes may be authorized by law. Existing revenue laws shall continue in effect until changed by the Legislature. Amendments to Article VIII of this Constitution shall be effective from and after January 1 of the year in which such amendments are approved, and existing revenue laws not inconsistent with this Constitution as amended shall be considered ratified and confirmed by such amendment without the need for legislative reenactment of such laws. ~~The Legislature may provide that livestock shall constitute a separate and distinct class of property for purposes of taxation and may further provide for reciprocal and proportionate taxation of livestock located in this state for only part of a year.~~"

CVIII-2 "Notwithstanding Article I, section 16, Article III, section 18, or Article VIII, sections 1 or 4, of this Constitution or any other provision of this Constitution to the contrary: (1) The property of the state and its governmental subdivisions shall constitute a separate class of property and shall be exempt from taxation; (2) the ~~. The~~ Legislature by general law may classify and exempt from taxation property owned by and used exclusively for agricultural and horticultural societies~~,~~ and property owned and used exclusively for educational, religious, charitable, or cemetery purposes, when such property is not owned or used for financial gain or profit to either the owner or user; (3) household ~~. Household~~ goods and personal effects, as defined by law, may be exempted from taxation in whole or in part, as may be provided by general law, and the Legislature may prescribe a formula for the determination of value of household goods and personal effects; (4) the ~~. The~~ Legislature by general law may provide that the increased value of land by reason of shade or ornamental trees planted along the highway shall not be taken into account in the assessment of such land; (5) the ~~. The~~ Legislature by general law and upon any terms, conditions, and restrictions it prescribes, may provide that the increased value of real property resulting from improvements designed primarily for energy conservation may be exempt from taxation; (6) the ~~. The~~ value of a home substantially contributed by the ~~Veterans' Administration of the~~ United States Department of Veterans Affairs for a paraplegic veteran or multiple amputee shall be exempt from taxation during the life of such veteran or until the death ~~of his widow or her~~ or remarriage~~. The~~ of his or her surviving spouse; (7) the Legislature may exempt from an intangible property tax life insurance and life insurance annuity contracts and any payment connected therewith and any right to pension or retirement payments; (8) the Legislature may exempt inventory from taxation; (9) the ~~. The~~ Legislature may define and classify personal property in such manner as it sees fit, whether by type, use, user, or owner, and may exempt any ~~of~~ such class or classes~~;~~ or may exempt all personal property from taxation; (10) no ~~. No~~ property shall be exempt from taxation except as permitted by or as provided in ~~the~~ this Constitution; and (11) the ~~. The~~ Legislature may by general law provide that a portion of the value of any residence actually occupied as a homestead by any classification of owners as determined by the Legislature shall be exempt from taxation."

CVIII-5 "County authorities shall never assess taxes the aggregate of which shall exceed fifty cents per one hundred dollars ~~actual valuation~~ of taxable value as determined by the assessment rolls, except for the payment of indebtedness existing at the adoption hereof, unless authorized by a vote of the people of the county.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

> "A constitutional amendment to authorize the Legislature to provide for the taxation of tangible personal property in such manner as the Legislature may direct, for the separation of personal property from the uniformity and proportionality provisions which apply to real property, and for the separate classification of certain property and franchises and to harmonize a provision relating to the limitation on county taxes.
> For
> Against".

Referred to the Reference Committee.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1059. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to courts; to amend section 24-301.02, Revised Statutes Supplement, 1991; to change provisions relating to district court judicial districts; and to repeal the original section.

LEGISLATIVE BILL 1060. Introduced by Schimek, 27; Crosby, 29.

A BILL FOR AN ACT relating to the Special Education Act; to amend section 79-3303, Reissue Revised Statutes of Nebraska, 1943, and section 79-3301, Revised Statutes Supplement, 1990; to define a term; to authorize instruction in braille reading and writing for visually handicapped children as prescribed; to require certain teachers to be competent in braille reading and writing; to provide for rules and regulations; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1061. Introduced by Will, 8.

A BILL FOR AN ACT relating to horseracing; to amend sections 2-1205 and 23-390, Reissue Revised Statutes of Nebraska, 1943; to authorize certain agreements for operation and management of racetracks and horseracing facilities; to provide duties for the State Racing Commission; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1062. Introduced by Landis, 46; Baack, 47; Bernard-Stevens, 42; Coordsen, 32; Hartnett, 45; Schellpeper, 18; Schimek, 27.

A BILL FOR AN ACT relating to juveniles; to amend section 43-292, Reissue Revised Statutes of Nebraska, 1943, and section 43-1308, Revised Statutes Supplement, 1990; to authorize the county attorney to review cases of juveniles placed in out-of-home placement; to provide a duty for the Foster Care Review Board or designated local board; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1063. Introduced by Warner, 25, Landis, 46, Withem, 14, at the request of the Governor.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 2-2444, 13-501, 13-503, 13-508, 13-509, 14-1821, 15-318, 15-319, 15-808, 16-702, 17-955, 17-957, 18-2107, 21-17,126, 23-104, 23-132, 23-227, 23-250, 23-259, 23-320.07, 23-3501, 23-3502, 23-3515, 23-3552, 31-333, 31-410.01, 31-411.02, 31-447, 31-513, 31-711, 31-739, 31-773, 31-779, 32-4,114, 35-507, 39-1518, 39-1621, 46-541, 46-542, 46-543, 46-544, 46-631, 77-101, 77-398, 77-399, 77-3,100, 77-506, 77-507.01, 77-508, 77-604, 77-908, 77-1201, 77-1209, 77-1209.02, 77-1209.03, 77-1209.04, 77-1211, 77-1212, 77-1219, 77-1229, 77-1229.01, 77-1232, 77-1233.02, 77-1236, 77-1239, 77-1240.01, 77-1241.01, 77-1248, 77-1301, 77-1301.07, 77-1301.12, 77-1303, 77-1311.01, 77-1315, 77-1317, 77-1338, 77-1342, 77-1502, 77-1503.01, 77-1514, 77-1601, 77-1612, 77-1613, 77-1617, 77-1618, 77-1703, 77-1704, 77-1725, 77-1802, 77-1803, 77-1804, 77-1806, 77-1807, 77-1808, 77-1810, 77-1812, 77-1814, 77-1815, 77-1818, 77-1820, 77-1823, 77-1824, 77-1826, 77-1827, 77-1829, 77-1830, 77-1831, 77-1832, 77-1833, 77-1834, 77-1836, 77-1842, 77-1845, 77-1846, 77-1847, 77-1848, 77-1856, 77-1904, 77-1906, 77-1907, 77-1909, 77-1910, 77-1911, 77-1912, 77-1914, 77-1915, 77-1916, 77-1917, 77-1918, 77-27,139, 77-3402, 77-3411, 77-3701, 79-547.03, 79-904, 79-1007, 79-1007.01, and 79-2210, Reissue Revised Statutes of Nebraska, 1943, sections 79-432 and 79-903, Revised Statutes Supplement, 1990, sections 77-112, 77-201, 77-202, 77-509, 77-510, 77-1301.01, 77-1504, 77-1506.02, 77-1510, 77-1736.06, 77-3437, 77-3438, 77-3439, 77-3440, 77-3441, 79-2203, 79-3816, 79-3818, and 79-3819, Revised Statutes Supplement, 1991, Laws 1981, LB 81, section 6, and Laws 1981, LB 81, section 5, as amended by Laws 1986, LB 124, section 3, and Laws 1991, LB 137, section 2; to change provisions relating to local government budget limitations; to change and eliminate provisions relating to exceptions to such limitations; to eliminate a termination date; to change references to actual values and valuation; to eliminate references to intangible property; to define terms; to change the manner of taxing personal property; to eliminate certain property tax exemptions and provide exemptions; to provide for taxation of previously exempt personal property; to change certain levy certification dates for 1992; to change the date county boards of equalization levy taxes for 1992; to change the date for listing personal property for property taxation purposes for 1992 and related dates; to change improvements on leased land and mobile homes from personal property to real estate for purposes of taxation; to eliminate a provision relating to improvements on leased land being assessed as real property; to change provisions relating to school expenditure limitations; to eliminate provisions relating to mobile home stickers; to correct and change operative date and repealer provisions; to harmonize provisions; to provide duties for the Revisor of Statutes; to provide operative dates; to repeal the original sections, and also sections 13-514, 77-103.01, 77-202.46, 77-202.47, 77-27,140, 77-1209.04, 77-1209.05, 77-3702, 77-3703, 77-3704, and 77-3705, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 1064. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to workers' compensation; to amend sections 48-120, 48-121, 48-162.01, 48-162.02, and 48-172, Reissue

Revised Statutes of Nebraska, 1943, and sections 48-121.01 and 48-125, Revised Statutes Supplement, 1990; to change provisions relating to fee schedules, medical services, and the selection of physicians; to change provisions relating to compensation of an employee while under going or upon refusal to undertake rehabilitation; to change the maximum weekly income benefit; to require additional representation of the Vocational Rehabilitation Fund by the Attorney General; to change provisions relating to attorney's fees and costs; and to repeal the original sections.

PROPOSED RULES CHANGES

Mr. Hartnett asked unanimous consent to print the following proposed rules changes to the pending Lynch, Rogers, and Withem rules change found in the Journal on page 188. No objections. So ordered.

Strike the Amendment to Rules Committee proposal to Rule 3, Section 2 and insert:

Section 2. (a) (i) At the commencement of each session, the Legislature shall elect a Committee on Committees to consist of ~~thirteen~~ nineteen members, one at large who shall be chairperson, and three from District Number 1 consisting of legislative districts Numbers ~~1 through 3, 25 through 30, 32, 45, and 46;~~ 21, 24 through 29, and 46; three from District Number 2 consisting of legislative districts Numbers ~~4 through 14, 20, and 31,~~ 1, 2, 15, 22, 23, 30, 32, and 34; three from District Number 3 consisting of legislative districts Numbers ~~15 through 19, 21 through 24, 34, 35, and 40;~~ 3, 4, 12, 14, 20, 31, 39, and 45; ~~and~~ three from District Number 4 consisting of legislative districts Numbers ~~33, 36 through 39, 41 through 44, and 47 through 49.~~ 16 through 19, 33, 35, 37, 40, and 41; three from District Number 5 consisting of legislative districts Numbers 5 through 11 and 13; and three from District Number 6 consisting of legislative districts Numbers 36, 38, 42 through 44, and 47 through 49.

Add new subdivision Rule 3, Section 2 (a)(ii):

(a)(ii) In determining the membership of the Appropriations Committee, the Committee on Committees shall appoint three members from combined Districts Numbers 1 and 2; three members from combined Districts Numbers 3 and 5; and three members from combined Districts Numbers 4 and 6. The Chairman of the Appropriations Committee shall count as one of the three members from whichever District he is a member.

UNANIMOUS CONSENT - Print in Journal

Mr. Haberman asked unanimous consent to print the following amendment to LB 269 in the Journal. No objections. So ordered.

AM2379

(Amendments to Standing Committee amendments, AM0360)

1. Insert the following new amendments:

"1. Insert the following new section:

'Sec. 3. That section 45-342, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

45-342. (1) Notwithstanding the provisions of any contract to the contrary, any buyer may prepay in full at any time before maturity the obligation of any contract.

(2) For any contract entered into prior to October 1, 1981, the provisions of this subsection may be used or the provisions of subsection (3) of this section may be used. If such obligation is so prepaid, any unearned charges shall be refunded. The amount of such refund shall represent at least as great a proportion of the time-price differential as the sum of the monthly time balances after the month prepayment is made bears to the sum of all the monthly time balances under the schedule of payments in the contract. ~~Where~~ When the amount of credit is less than one dollar no refund need be made.

(3) For any contract entered into on or after October 1, 1981, the provisions of this subsection shall apply. If such obligation is prepaid in full by cash, a new loan, or otherwise after the first installment due date, the borrower shall receive a rebate of an amount which shall be not less than the amount obtained by applying to the unpaid principal balances as originally scheduled or, if deferred, as deferred, for the period following prepayment, according to the actuarial method, the ~~annual percentage~~ rate of the time-price differential previously stated to the borrower. ~~pursuant to the federal Consumer Credit Protection Act.~~ The licensee may round the ~~annual percentage~~ rate of the time-price differential to the nearest one-half of one percent if such procedure is not consistently used to obtain a greater yield than would otherwise be permitted. Any default and deferment charges which are

due and unpaid may be deducted from any rebate. No rebate shall be required for any partial prepayment. No rebate of less than one dollar need be made. Acceleration of the maturity of the contract shall not in itself require a rebate. If judgment is obtained before the final installment date, the contract balance shall be reduced by the rebate which would be required for prepayment in full as of the date judgment is obtained.'.

4. On page 7, line 8, strike 'section 45-338' and insert 'sections 45-338 and 45-342'.".

2. On page 1, line 4, before the period insert "; and in line 24 after the period insert 'The origination fee shall be refundable if the installment contract is cancelled during the first thirty days.'.".

3. Renumber the remaining section accordingly.

UNANIMOUS CONSENT - Add Cointroducers

Messrs. Wickersham and Bernard-Stevens asked unanimous consent to have their names added as cointroducers to LB 1058. No objections. So ordered.

Mr. Abboud asked unanimous consent to have his name added as cointroducer to LB 872. No objections. So ordered.

Mrs. Pirsch asked unanimous consent to have her name added as cointroducer to LB 495. No objections. So ordered.

Mr. Beutler asked unanimous consent to have his name added as cointroducer to LB 671. No objections. So ordered.

Mrs. Hillman asked unanimous consent to have her name added as cointroducer to LB 696. No objections. So ordered.

Mr. Byars asked unanimous consent to have his name added as cointroducer to LB 962 and LB 986. No objections. So ordered.

Mrs. Nelson asked unanimous consent to have her name added as cointroducer to LB 937. No objections. So ordered.

UNANIMOUS CONSENT - Withdraw Cointroducers

Mrs. Robak asked unanimous consent to have her name withdrawn as cointroducer to LB 327. No objections. So ordered.

Mrs. Nelson asked unanimous consent to have her name withdrawn as cointroducer to LB 327. No objections. So ordered.

ADJOURNMENT

At 4:43 p.m., on a motion by Mr. Bernard-Stevens, the Legislature adjourned until 9:00 a.m., Tuesday, January 14, 1992.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTH DAY - JANUARY 14, 1992

LEGISLATIVE JOURNAL

FIFTH DAY - JANUARY 14, 1992

LEGISLATIVE JOURNAL

NINETY-SECOND LEGISLATURE
SECOND SESSION

FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 14, 1992

Pursuant to adjournment, the Legislature met at 9:03 a.m., President Moul presiding.

PRAYER

The prayer was offered by Pastor William Shaner, Regional Director of Development, Martin Luther Home, Beatrice, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Conway and L. Johnson who were excused; and Messrs. Abboud, Ashford, Coordsen, Haberman, Hall, R. Johnson, Lindsay, Moore, Rogers, Schmit, Will, and Withem who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fourth day was approved.

NATURAL RESOURCE DISTRICT REPORT

In compliance with Section 2-3262 (R.R.S. 1943) a summary of all fees paid to date during calendar year 1991 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	FEE
Lower Platte North Natural Resources District	

George Svoboda	27,648.70
Knudsen, Berkheimer, Richardson and Endacott	19,648.70
Crosby, Guenzel, Davis, Kessner and Kuester	113.12

ANNOUNCEMENT

Mr. Schrock designates LB 948 as his priority bill.

MOTION - Adopt Temporary Rules

Mr. Lynch moved that the Rules, as now in our possession, be adopted for today only, Tuesday, January 14, 1992.

The motion prevailed.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1065. Introduced by Transportation Committee: Kristensen, 37, Chairperson; Beyer, 3; Byars, 30; Horgan, 4; Peterson, 21; Pirsch, 10; Robak, 22; Wickersham, 49.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-311, Revised Statutes Supplement, 1990; to change the fee for license plates; and to repeal the original section.

LEGISLATIVE BILL 1066. Introduced by Transportation Committee: Kristensen, 37, Chairperson; Beyer, 3; Byars, 30; Horgan, 4; Peterson, 21; Pirsch, 10; Robak, 22; Wickersham, 49.

A BILL FOR AN ACT relating to telecommunications services; to define terms; to regulate pay-per-call services; to provide powers and duties for the Public Service Commission; and to provide a penalty.

LEGISLATIVE BILL 1067. Introduced by Transportation Committee: Kristensen, 37, Chairperson; Beyer, 3; Byars, 30; Horgan, 4; Peterson, 21; Pirsch, 10; Robak, 22; Wickersham, 49.

A BILL FOR AN ACT relating to motor carriers; to amend sections 75-363 and 75-364, Revised Statutes Supplement, 1991; to change a date in order to adopt updated federal regulations for hazardous material; and to repeal the original sections.

LEGISLATIVE BILL 1068. Introduced by Transportation Committee: Kristensen, 37, Chairperson; Beyer, 3; Byars, 30; Horgan, 4; Peterson, 21; Pirsch, 10; Robak, 22; Wickersham, 49.

A BILL FOR AN ACT relating to motor carriers; to amend section 75-303, Reissue Revised Statutes of Nebraska, 1943; to provide an exception to motor carrier regulation for certain vehicles operated under contract with the Department of Social Services; and to repeal the original section.

LEGISLATIVE BILL 1069. Introduced by Transportation Committee: Kristensen, 37, Chairperson; Beyer, 3; Byars, 30; Horgan, 4; Peterson, 21; Pirsch, 10; Robak, 22; Wickersham, 49.

A BILL FOR AN ACT relating to highways and roads; to amend section 39-1108, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to regular meetings of the State Highway Commission; and to repeal the original section.

LEGISLATIVE BILL 1070. Introduced by Transportation Committee: Kristensen, 37, Chairperson; Beyer, 3; Byars, 30; Horgan, 4; Peterson, 21; Pirsch, 10; Robak, 22; Wickersham, 49.

A BILL FOR AN ACT relating to motor vehicle safety responsibility; to amend sections 39-6,104.04, 60-505, and 60-505.04, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to reports of accidents; and to repeal the original sections.

LEGISLATIVE BILL 1071. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to schools; to authorize reimbursement for expenses for board members as prescribed.

LEGISLATIVE BILL 1072. Introduced by Warner, 25.

A BILL FOR AN ACT relating to schools and school districts; to amend section 79-4,207, Revised Statutes Supplement, 1990; to provide for a levy for elimination of accessibility barriers; and to repeal the original section.

RESOLUTIONS

LEGISLATIVE RESOLUTION 216. Read. Considered.

LR 216 was adopted with 27 ayes, 0 nays, and 22 not voting.

LEGISLATIVE RESOLUTION 218. Read. Considered.

LR 218 was adopted with 31 ayes, 0 nays, and 18 not voting.

MOTION - Adopt Rules

Mr. Lynch moved to adopt the permanent rules for the Ninety-Second Legislature, Second Session.

Messrs. Lynch, Beutler, Rogers, Withem, and Robinson renewed their amendment to the rules, found in the Journal on page 188, to Rule 2, Section 3(h).

The Lynch et al. amendment was adopted with 32 ayes, 2 nays, 8 present and not voting, and 7 excused and not voting.

Messrs. Lynch, Rogers, and Withem renewed their amendment to the rules, found in the Journal on page 188, to Rule 3, Section 2.

Mr. Hartnett renewed his amendment, found in the Journal on page 278, to the Lynch et al. amendment to the rules.

SPEAKER BAACK PRESIDING

The Hartnett amendment lost with 10 ayes, 20 nays, 14 present and not voting, and 5 excused and not voting.

Mr. Withem requested a record vote on the Lynch et al. amendment, found in the Journal on page 188, to Rule 3, Section 2.

Voting in the affirmative, 10:

Ashford
Chizek
Hartnett
Horgan
Lindsay
Lynch
Pirsch
Rasmussen
Will
Withem

Voting in the negative, 24:

Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Crosby
Cudaback
Elmer
Haberman
Hillman
Johnson, R.
Kristensen
Lamb
Landis
Moore
Morrissey
Nelson
Peterson
Robinson
Schellpeper
Warner
Wehrbein
Wesely
Wickersham

Present and not voting, 10:

Byars
Chambers
Coordsen
Dierks
Hefner
Labedz
Robak
Rogers
Schimek
Schrock

Excused and not voting, 5:

Abboud
Conway
Hall
Johnson, L.
Schmit

The Lynch et al. amendment lost with 10 ayes, 24 nays, 10 present and not voting, and 5 excused and not voting.

Mr. Hartnett withdrew his amendment to the rules, found in the Journal on page 263.

Messrs. Beutler and Robinson offered the following amendment to the rules:
Amend Rule 3, Section 2, as follows:
Sec. 2. Appointment of Committees. (a) At the commencement of each session, the Legislature shall elect a Committee on Committees to consist of thirteen members, one at large who shall be chairperson, and three from District 1 consisting of legislative districts Numbers 1, 2, 3, 21, 25, 26, 27, 28, 29, 39, 45, and 46; three from District Number 2 consisting of legislative districts 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 20, and 31; three from District Number 3 consisting of legislative districts 15, 16, 17, 18, 19, 22, 23, 24, 30, 32, 34, and 40; and three from District Number 4 consisting of legislative districts 33, 35, 36, 37, 38, 41, 42, 43, 44, 47, 48, and 49.

PRESIDENT MOUL PRESIDING

The Beutler-Robinson amendment was adopted with 29 ayes, 8 nays, 7 present and not voting, and 5 excused and not voting.

The Lynch motion to adopt permanent rules, as amended, was adopted with 30 ayes, 6 nays, 8 present and not voting, and 5 excused and not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1073. Introduced by Warner, 25; Bohlke, 33; Coordsen, 32; Lindsay, 9; Robak, 22; Schrock, 39.

A BILL FOR AN ACT relating to public records; to amend section 84-712.05, Reissue Revised Statutes of Nebraska, 1943; to provide for confidentiality of certain information; and to repeal the original section.

LEGISLATIVE BILL 1074. Introduced by Haberman, 44.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-141, Reissue Revised Statutes of Nebraska, 1943; to change the term copartnership to partnership; to change provisions relating to lending limits for an individual in a limited partnership as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1075. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to corporations; to amend sections 21-2027, 21-2029, 21-2030, 21-2036, and 21-2052, Reissue Revised Statutes of Nebraska, 1943; to provide for authorizization for an investment company to eliminate annual meetings of shareholders as prescribed; to change provisions relating to articles of incorporation, annual meetings, and elections of directors; to change when notice of a special meeting is to be sent and the record date for a determination of shareholders; and to repeal the original sections.

LEGISLATIVE BILL 1076. Introduced by Moore, 24.

A BILL FOR AN ACT relating to paupers and public assistance; to amend section 68-1020, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to eligibility for medical assistance as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1077. Introduced by Moore, 24.

A BILL FOR AN ACT relating to infants; to amend section 43-504, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to payments to a pregnant woman as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1078. Introduced by Moore, 24.

A BILL FOR AN ACT relating to medical assistance; to amend section 68-1019, Reissue Revised Statutes of Nebraska, 1943; to exclude certain services of therapists; and to repeal the original section.

LEGISLATIVE BILL 1079. Introduced by Moore, 24.

A BILL FOR AN ACT relating to medical assistance; to amend section 68-1019, Reissue Revised Statutes of Nebraska, 1943; to exclude certain services and health aids; and to repeal the original section.

LEGISLATIVE BILL 1080. Introduced by Moore, 24.

A BILL FOR AN ACT relating to medical assistance; to amend section 68-1020, Reissue Revised Statutes of Nebraska, 1943; to exclude certain persons from eligibility; and to repeal the original section.

LEGISLATIVE BILL 1081. Introduced by Robinson, 16.

A BILL FOR AN ACT relating to boundary lines; to amend sections 22-111, 22-113, 22-122, 22-128, 22-166, 22-177, 22-187, and 22-189, Reissue Revised Statutes of Nebraska, 1943, and Laws 1943, c. 130, sections 1 to 5, p. 434; to change the boundary line between Iowa and Nebraska in the area of "Bullard Bend" between Burt County, Nebraska, and Harrison County, Iowa; to cede to and relinquish jurisdiction over certain lands to Iowa; to amend the Iowa-Nebraska Boundary Compact of 1943; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1082. Introduced by Wesely, 26; Hillman, 48.

A BILL FOR AN ACT relating to persons with disabilities; to appropriate funds to carry out the Disabled Persons and Family Support Act; and to adopt the Independent Living Assistance Act for Persons with Disabilities.

LEGISLATIVE BILL 1083. Introduced by Haberman, 44.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Supplement, 1991; to exempt retirement pension funds received by retired military personnel from income tax as prescribed; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1084. Introduced by Rasmussen, 20.

A BILL FOR AN ACT relating to persons with disabilities; to amend sections 20-131, 48-1101, 48-1111, and 48-1125, Reissue Revised Statutes of Nebraska, 1943, and section 48-1102, Revised Statutes Supplement, 1990; to state intent; to define and redefine terms; to change and provide provisions relating to unlawful employment practices and discrimination; to provide duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1085. Introduced by Chizek, 31.

A BILL FOR AN ACT relating to health maintenance organizations; to adopt the Health Maintenance Organization Medication Protection Act.

LEGISLATIVE BILL 1086. Introduced by Wesely, 26; Rasmussen, 20; Will, 8.

A BILL FOR AN ACT relating to children; to amend sections 43-2623 and 71-1910, Revised Statutes Supplement, 1991; to provide for salary stipends for Head Start teachers; to provide duties for the State Department of Education; to change a provision relating to funding for child care; to redefine a term; and to repeal the original sections.

NOTICE OF COMMITTEE HEARINGS
Banking, Commerce and Insurance

LB 903	Tuesday, January 21, 1992	1:30 p.m.
LB 907	Tuesday, January 21, 1991	1:30 p.m.
LB 944	Tuesday, January 21, 1992	1:30 p.m.
LB 993	Tuesday, January 21, 1992	1:30 p.m.

(Signed) David Landis, Chairperson

GENERAL FILE

LEGISLATIVE BILL 27. Title read. Considered.

Standing Committee amendment, AM0246, found in the Journal on page 628, First Session, 1991, was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Mrs. Rasmussen asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. Morrissey asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 269. Title read. Considered.

Standing Committee amendment, AM0360, found in the Journal on page 762, First Session, 1991, was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Haberman renewed his pending amendment, AM2379, found in the Journal on page 279.

The Haberman amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 816. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

Mr. Robinson asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 327. Title read. Considered.

Mr. Chambers offered the following amendment:
AM2110

1. On page 13, line 9, after the period insert "No person sentenced to life imprisonment without possibility of parole whose sentence is commuted by the Board of Pardons to a term of years which specifies a minimum and a maximum number of years shall be released from custody until the maximum shall have been served without any reduction by the granting of good time.".

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 718. Placed on Select File as amended.
E & R amendment to LB 718:
AM5186

1. In the Standing Committee amendments, AM0425:

a. Strike section 17 and insert the following new section:

"Sec. 17. That original sections 2-1203.01, 2-1207, 2-1216, and 2-1221, Reissue Revised Statutes of Nebraska, 1943, are repealed.";

b. On page 1, line 4; and page 2, line 13, after the comma insert "Reissue";

c. On page 1, line 5; and page 2, line 14, strike "Supplement, 1990" and insert "of Nebraska, 1943";

d. On page 9, line 15, after "detached" insert an underscored comma; and in line 17 after "telewagering" insert "and";

e. On page 10, line 6, strike ", and the" and insert ". The "; and in line 17 strike the comma;

f. On page 11, line 3, strike "so do" and insert "do so"; and in line 17 strike "operating" and insert "operation"; and

g. On page 12, line 20, after "area" insert an underscored comma.

2. On page 1, strike lines 2 through 11 and insert "sections 2-1203.01, 2-1207, 2-1216, and 2-1221, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to parimutuel wagering; to provide for teleracing facilities and telephonic wagering; to

state intent; to define terms; to provide powers and duties for the State Racing Commission and licensed racetracks; to change penalty provisions; to provide a penalty; to harmonize provisions; to provide severability; to repeal the original sections; and to declare an emergency.".

LEGISLATIVE BILL 718A. Placed on Select File as amended.
E & R amendment to LB 718A:
AM5187

1. On page 1, line 4; and page 2, lines 6 and 7, strike "First Session, 1991" and insert "Second Session, 1992".

2. On page 2, lines 3 and 10, strike "FY1991-92" and insert "FY1992-93"; and in lines 4 and 11 strike "FY1992-93" and insert "FY1993-94".

LEGISLATIVE BILL 424. Placed on Select File as amended.
E & R amendment to LB 424:
AM5185

1. On page 1, strike beginning with "require" in line 3 through "prescribed" in line 4 and insert "require a notice on certain petitions circulated by paid circulators".

LEGISLATIVE BILL 678. Placed on Select File as amended.
E & R amendment to LB 678:
AM5180

1. On page 1, strike beginning with "the" in line 1 through "sections" in line 2 and insert "mental health; to amend sections 29-3703,"; in line 5 after the semicolon insert "to change provisions relating to treatment of persons found not guilty by reason of insanity;"; strike beginning with "to" in line 7 through the semicolon in line 9; and in line 11 after "treatment" insert "of and hearings involving persons subject to the Nebraska Mental Health Commitment Act".

2. On page 3, line 24, strike "1992" and insert "1993".

3. On page 7, line 4, strike "requirement" and insert "requirements".

LEGISLATIVE BILL 678A. Placed on Select File as amended.

E & R amendment to LB 678A:
AM5181

1. On page 1, line 4; and page 2, line 6, strike "First Session, 1991" and insert "Second Session, 1992".

2. On page 2, line 2, strike "FY1991-92" and insert "FY1992-93"; and in line 3 strike "FY1992-93" and insert "FY1993-94".

(Signed) Eric Will, Chairperson

NOTICE OF COMMITTEE HEARINGS

Education

Governor Appointments	Tuesday, January 21, 1992	1:15 p.m.

Nebraska Educational Telecommunications Commission
Harold F. McClure
Judy Schweikart

LB 921	Tuesday, January 21, 1992	1:30 p.m.
LB 976	Tuesday, January 21, 1992	1:30 p.m.
LB 1023	Tuesday, January 21, 1992	1:30 p.m.

(Signed) Ron Withem, Chairperson

Natural Resources

LB 948	Wednesday, January 22, 1992	1:30 p.m.
LB 890	Wednesday, January 22, 1992	1:30 p.m.

Governor Appointments	Thursday, January 23, 1992	1:30 p.m.

Environmental Control Council
Nancy J. Andrews
Dr. Janet Bernard-Stevens
Conrad J. Boehler
Jack Dixon
Paul Fuhrer
Dennis Heermann
Fred E. Hlava
Richard W. Sommer

LB 887	Thursday, January 23, 1992	1:30 p.m.
LB 912	Thursday, January 23, 1992	1:30 p.m.

Governor Appointment Nebraska Game and Parks Commission Donald W. Forney	Friday, January 24, 1992	1:30 p.m.
LB 881	Friday, January 24, 1992	1:30 p.m.
LB 916	Friday, January 24, 1992	1:30 p.m.
LB 917	Friday, January 24, 1992	1:30 p.m.

(Signed) Rod Johnson, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 220. Introduced by Schmit, 23.

WHEREAS, Concrete Industries, Inc. owns property located in Saunders County, Nebraska; and

WHEREAS, the Game and Parks Commission has the general authority to acquire real estate with the consent of the Governor by gift; and

WHEREAS, in the interest of promoting outdoor opportunities for Nebraskans, the Legislature wishes to grant approval for the Game and Parks Commission to obtain title to all or any part of such land presently held by Concrete Industries, Inc.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature approves the gift from Concrete Industries, Inc. to the Game and Parks Commission of all of the real estate described as follows:

> Lots 5 and 6 of section 17, lots 2 and 3 of section 20, and the southeast quarter of the northeast quarter, and the east half of the southeast quarter of section 18, all in township 14 north, range 10 east of the 6th principal meridian, Saunders County, Nebraska, except that part conveyed to Clear Creek Drainage District as shown by deed at Book 44, Page 118 (subject to roadway along the south side of the southeast quarter of section 18 and lot 6 of section 17), except for not to exceed 15 acres immediately surrounding the residence on the property, which 15 acres shall constitute the farmstead; and
>
> The west half of the southeast quarter (W1/2SE1/4) and the southwest quarter of the northeast quarter (SW1/4NE1/4), section 18, township 14 north, range 10 east of the 6th principal

meridian, Saunders County, Nebraska, containing 120 acres, more or less.

2. That such approval is granted by the Legislature with the understanding that the land described shall be designated and utilized as a wildlife management area.

Laid over.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1087. Introduced by Lynch, 13; Nelson, 35.

A BILL FOR AN ACT relating to cities and villages; to amend section 18-1737, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to privately owned offstreet parking facilities; and to repeal the original section.

LEGISLATIVE BILL 1088. Introduced by Lynch, 13; Ashford, 6; Crosby, 29; Robinson, 16.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Coordinating Commission for Postsecondary Education for state aid.

VISITORS

Visitors to the Chamber were Karen, Don, and Nick Mroczek from Columbus; and Senator Robak's niece, Ruth Chermok.

RECESS

At 12:00 noon, on a motion by Speaker Baack, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Moul presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Conway, L. Johnson, and Mrs. Rasmussen who were excused; and Messrs. Abboud, Beutler, R. Johnson, Moore, Morrissey, Robinson, Schellpeper, Schrock, Withem, and Mrs. Robak who were excused until they arrive.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 1029 through 1064 and legislative resolutions 217 and 219.

LB	Committee
1029	Government, Military and Veterans Affairs
1030	Natural Resources
1031	Transportation
1032	Revenue
1033	Banking, Commerce and Insurance
1034	Judiciary
1035	Banking, Commerce and Insurance
1036	Urban Affairs
1037	Judiciary
1038	Health and Human Services
1039	Judiciary
1040	Education
1041	Judiciary
1042	Government, Military and Veterans Affairs
1043	Education
1044	Education
1045	Education
1046	Government, Military and Veterans Affairs
1047	Appropriations
1048	Government, Military and Veterans Affairs
1049	Judiciary
1050	Transportation
1051	Government, Military and Veterans Affairs
1052	General Affairs
1053	Judiciary
1054	Revenue
1055	Revenue
1056	Appropriations
1057	Nebraska Retirement Systems
1058	Health and Human Services
1059	Judiciary
1060	Education
1061	General Affairs

1062	Health and Human Services
1063	Revenue
1064	Business and Labor

LR	**Committee**
217CA	Government, Military and Veterans Affairs
219CA	Revenue

(Signed) Jerome Warner, Chairperson
Legislative Council
Executive Board

GENERAL FILE

LEGISLATIVE BILL 327. Mr. Chambers withdrew his pending amendment, AM2110, found in the Journal on page 290.

Mr. Wesely renewed his pending amendment, AM2196, found in the Journal on page 2692, First Session, 1991.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Wesely withdrew his pending amendment, AM2196, found in the Journal on page 2692, First Session, 1991.

Mr. Lindsay moved to indefinitely postpone LB 327.

Laid over.

LEGISLATIVE BILL 262. Considered.

Mr. Kristensen offered the following amendment:
AM2399

(Amendments to AM2253)

1. Strike section 12 and insert the following new section:

"Sec. 13. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 1, lines 7 and 10; and page 9, line 10, strike "operative" and insert "effective".

3. On page 3, line 5, strike "to" and insert

"and".

4. On page 4, line 8, strike "sections 3 and 4" and insert "section 3".

5. On page 15, strike beginning with "1" in line 3 through the first comma in line 5 and insert "25-21,185.01 to 25-21,185.06, Revised Statutes Supplement,".

6. Renumber the remaining section accordingly.

SPEAKER BAACK PRESIDING

The Kristensen amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Mr. Byars asked unanimous consent to be excused. No objections. So ordered.

Mr. Abboud withdrew his pending amendment, FA206, found in the Journal on page 2779, First Session, 1991.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for review with 25 ayes, 1 nay, 12 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 522. Title read. Considered.

Standing Committee amendment, AM0560, found in the Journal on page 969, First Session, 1991, was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

PRESIDENT MOUL PRESIDING

Mrs. Crosby renewed her pending amendment, AM0747, found in the Journal on page 1074, First Session, 1991.

Mr. Lamb asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Bohlke offered the following amendment to the pending Crosby amendment:

FA224

On page 1 line 14 after the word "psychologists" insert the words "volunteers and clergy."

Mr. Morrissey asked unanimous consent to be excused until he returns. No objections. So ordered.

The Bohlke amendment was adopted with 11 ayes, 7 nays, 22 present and not voting, and 9 excused and not voting.

Messrs. Beutler and Haberman asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Robinson moved the previous question. The question is, "Shall the debate now close?"

Mr. Robinson moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

The motion to cease debate prevailed with 26 ayes, 0 nays, and 23 not voting.

The Crosby amendment, as amended, lost with 5 ayes, 20 nays, 16 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Mr. Cudaback asked unanimous consent to be excused. No objections. So ordered.

SPEAKER BAACK PRESIDING

Mrs. Crosby renewed her pending amendment, AM0859, found in the Journal on page 1230, First Session, 1991.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Pirsch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Crosby amendment lost with 4 ayes, 14 nays, 21 present and not voting, and 10 excused and not voting.

Mrs. Crosby withdrew her pending amendments, AM0860, AM0862, AM0861, and AM0863, found in the Journal on pages 1230 through 1232, First Session, 1991.

Mr. Ashford offered the following amendment:
FA225
strike teaching in sec 1 line 9

The Ashford amendment lost with 7 ayes, 12 nays, 20 present and not voting, and 10 excused and not voting.

Pending.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1089. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to public funds; to amend section 77-2326.04, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to contents of the written receipt delivered by a depository to court officials as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1090. Introduced by Hall, 7.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2602 and 81-638, Revised Statutes Supplement, 1991; to state intent; to provide for an increase in the cigarette tax as prescribed; to provide for funding for cancer research; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1091. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to the rules of the road; to amend section 39-602, Revised Statutes Supplement, 1990; to redefine the term motorcycle; and to repeal the original section.

LEGISLATIVE BILL 1092. Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to the Department of Motor Vehicles; to amend sections 60-305.08, 60-308, 60-328, 60-2004, and 60-2009, Reissue Revised Statutes of Nebraska, 1943, and sections 60-115, 60-302, and 60-305.16, Revised Statutes Supplement, 1990; to increase fees; to provide for the distribution of fees; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1093. Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to cities and villages; to amend sections 16-202, 17-503, and 17-953.01, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the collection of signatures for and filing of a remonstrance against the sale or conveyance of publicly owned real estate or the purchase or construction of a public building; and to repeal the original sections.

LEGISLATIVE BILL 1094. Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to cities and villages; to amend sections 18-1201 and 18-1202, Reissue Revised Statutes of Nebraska, 1943; to increase the rate of tax authorized for certain public safety purposes; and to repeal the original sections.

LEGISLATIVE BILL 1095. Introduced by Robak, 22; Hillman, 48.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 39-669.16, 60-311.12, 60-311.13, 60-315.01, 60-505.02, and 60-569, Reissue Revised Statutes of Nebraska, 1943, sections 60-305.09, 60-311.10, 60-311.11, 60-479, 60-483, 60-4,115, 60-4,126, 60-4,155, 60-4,158, 60-4,171, 60-4,181, and 79-488.06, Revised Statutes Supplement, 1990, and sections 60-462, 60-4,100, and 60-4,148, Revised Statutes Supplement, 1991; to provide and change fees relating to operator's licenses, motor vehicle licensing, registration, and financial responsibility, and state identification cards; to rename personalized prestige license plates; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1096. Introduced by Robak, 22; Hartnett, 45.

A BILL FOR AN ACT relating to rules of the road; to amend sections 39-669.26 and 39-6,117, Reissue Revised Statutes of Nebraska, 1943, and sections 39-602 and 39-6,122, Revised Statutes Supplement, 1990; to define terms; to state intent; to provide penalties for traffic violations in school zones and school crossings; to change provisions relating to the assessment of points against motor vehicle operators' licenses; to provide for use of funds; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1097. Introduced by Robak, 22; Crosby, 29; Hartnett, 45; Hillman, 48.

A BILL FOR AN ACT relating to rules of the road; to amend section 39-669.26, Reissue Revised Statutes of Nebraska, 1943, and sections 39-602 and 39-6,122, Revised Statutes Supplement, 1990; to define terms; to state intent; to provide penalties for traffic violations in school zones and school crossings; to change provisions relating to the assessment of points against motor vehicle operators' licenses; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1098. Introduced by Robak, 22; Pirsch, 10; Schimek, 27.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Supplement, 1991; to define terms; to provide for the crime of stalking; to provide penalties; and to repeal the original section.

LEGISLATIVE BILL 1099. Introduced by Withem, 14; Labedz, 5.

A BILL FOR AN ACT relating to public health and welfare; to provide for education and recruitment of potential bone marrow donors; and to provide duties for the Director of Health, the Director of Motor Vehicles, and the Director of Personnel.

LEGISLATIVE BILL 1100. Introduced by Will, 8; Hall, 7; Labedz, 5; Lindsay, 9.

A BILL FOR AN ACT relating to the Nebraska Bingo Act; to amend section 9-239, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to taxation; and to repeal the original section.

LEGISLATIVE BILL 1101. Introduced by Labedz, 5.

A BILL FOR AN ACT relating to park permits; to amend sections 37-1105, 37-1107.01, and 37-1108, Reissue Revised Statutes of Nebraska, 1943; to provide and change fees; to change provisions relating to temporary and duplicate annual permits; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1102. Introduced by Hefner, 19; Pirsch, 10.

A BILL FOR AN ACT relating to the Industrial Relations Act; to amend sections 48-801, 48-801.01, and 48-818, Reissue Revised Statutes of Nebraska, 1943; to define terms; to provide for the use of an economic variables test and a concentric circle approach when establishing rates of pay; to change provisions relating to orders issued by the Commission of Industrial Relations; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1103. Introduced by Schimek, 27; Chizek, 31.

A BILL FOR AN ACT relating to small claims court; to amend sections 25-2705, 25-2803, 25-2804, and 25-2807, Reissue Revised Statutes of Nebraska, 1943; to eliminate the right to remove a case from small claims court; to provide for a jury trial on appeal; to harmonize provisions; and to repeal the original sections, and also section 25-2805, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1104. Introduced by Kristensen, 37; Crosby, 29.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the Museum of Nebraska Art.

NOTICE OF COMMITTEE HEARINGS
Business and Labor

LB 360	Monday, January 27, 1992 (rehearing)	1:30 p.m.
LB 877	Monday, January 27, 1992	1:30 p.m.
LB 878	Monday, January 27, 1992	1:30 p.m.
LB 879	Monday, January 27, 1992	1:30 p.m.
LB 951	Monday, January 27, 1992	1:30 p.m.
LB 974	Monday, January 27, 1992	1:30 p.m.

(Signed) George Coordsen, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Mr. Lindsay asked unanimous consent to have his name added as cointroducer to LB 682. No objections. So ordered.

Mr. Rogers asked unanimous consent to have his name added as cointroducer to LB 139. No objections. So ordered.

Mr. Horgan asked unanimous consent to have his name added as cointroducer to LB 1042. No objections. So ordered.

Mrs. Labedz asked unanimous consent to have her name added as cointroducer to LB 937. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Hall asked unanimous consent to print the following amendment to LB 301 in the Journal. No objections. So ordered.

AM2381

(Amendments to Standing Committee amendments, AM1575)

1. Insert the following new section:

"Section 1. It is the intent of the Legislature that a privately owned utility selling natural gas in this state may only provide nonutility services if costs or expenses of such nonutility services are not subsidized by rate or charges imposed on its utility rate structure.".

2. On page 1, line 3, after the period insert "A privately owned utility selling natural gas in this state shall not directly or indirectly include any costs or expenses attributable to providing nonutility services in rates or charges of its utility business."; in line 11 after "annual" insert "financial"; in line 13 after the period insert "Such annual financial statement shall include a verified summary documenting the manner in which offices, personnel, trucks, equipment, facilities, and other resources, including dispatching, billing systems, support staff, market data, credit information, and capitalization, are accounted for in deriving nonutility-service costs."; and in line 16 strike "1" and insert "2".

3. Renumber the remaining sections

3 accordingly.

VISITORS

Visitors to the Chamber were Eric Brookheysen, Consul General, and Rob Wensley, Vice Consul, from South Africa.

ADJOURNMENT

At 4:09 p.m., on a motion by Mr. Hall, the Legislature adjourned until 9:00 a.m., Wednesday, January 15, 1992.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTH DAY - JANUARY 15, 1992

LEGISLATIVE JOURNAL

SIXTH DAY - JANUARY 15, 1992

LEGISLATIVE JOURNAL

NINETY-SECOND LEGISLATURE
SECOND SESSION

SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 15, 1992

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Moul presiding.

PRAYER

The prayer was offered by Pastor Abigail Wilson Brown, Northeast Community United Church of Christ, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. L. Johnson, Kristensen, Morrissey, and Warner who were excused; and Messrs. Abboud, Ashford, Beutler, Chambers, Haberman, Hall, R. Johnson, Landis, Lynch, Wesely, Mmes. Labedz, and Rasmussen who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifth day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 858. Placed on Select File as amended.
E & R amendment to LB 858:
AM5188

1. On page 4, line 1, after "1969" insert an underscored comma; and in line 25 strike "deposited in"

and show as stricken and before "the" insert "credited to".

2. On page 5, line 21, after "the" insert "fund".

LEGISLATIVE BILL 859. Placed on Select File.
LEGISLATIVE BILL 860. Placed on Select File.

LEGISLATIVE BILL 861. Placed on Select File as amended.
E & R amendment to LB 861:
AM5189

1. On page 1, line 7, after the semicolon insert "to delete obsolete material;".

2. On page 5, lines 16 and 17, strike "Reissue Revised Statutes of Nebraska, 1943" and insert "Uniform Commercial Code".

(Signed) Eric Will, Chairperson

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Sec. 8, LR 220 was referred to the Reference Committee.

MESSAGES FROM THE GOVERNOR

January 14, 1992

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following reappointment to the Nebraska Public Employees Retirement Board, requiring legislative approval.

APPOINTEE: Alcurtis Robinson, 1411 N. 128th Circle, Omaha, NE 68154, (402) 342-7600 w.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:fc

January 14, 1992

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Public Employees Retirement Board, requiring legislative approval.

> APPOINTEE: William J. Lindsay, Jr., 9318 Pratt Circle, Omaha, NE 68134, (402) 572-9263 h, (402) 390-9085 w.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:fc

January 14, 1992

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Game and Parks Commission, requiring legislative approval.

APPOINTEE: William L. Grewcock, 2123 Mullen Rd., Omaha, NE 68124, (402) 393-8428 h, (402) 342-2052 w.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:fc

January 13, 1992

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following reappointment to the Nebraska Safety Center Advisory Council, requiring legislative approval.

APPOINTEE: Duane Schmidt, Dept. of Education, PO Box 94097, Lincoln, NE 68509-4097, (402) 471-2740.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:fc

January 13, 1992

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Safety Center Advisory Council, requiring legislative approval.

> APPOINTEE: Frank Rauner, RR 1, Box 184, Sidney, NE 69162, (308) 254-2499.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:fc

January 13, 1992

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following reappointment to the Nebraska Safety Center Advisory Council, requiring legislative approval.

> APPOINTEE: Rollin Schneider, 221 LW Chase Hall, UNL East Campus, Lincoln, NE 68508, (402) 472-3951.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:fc

January 13, 1992

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following reappointment to the Nebraska Safety Center Advisory Council, requiring legislative approval.

APPOINTEE: David Stubbs, Medical Arts Building, 111 W. 31st St., Kearney, NE 68847, (308) 234-1655.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:fc

January 13, 1992

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Safety Center Advisory Council, requiring legislative approval.

APPOINTEE: Dr. James L. Manion, 11202 Old Maple Rd., Omaha, NE 68164, (402) 493-7490 h, (402) 449-4847 w.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:fc

January 13, 1992

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following reappointment to the Nebraska Safety Center Advisory Council, requiring legislative approval.

APPOINTEE: Larry Morris, PO Box 30370, 2200 N. 33rd St., Lincoln, NE 68503, (402) 464-0641.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:fc

January 13, 1992

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following reappointment to the Nebraska Safety Center Advisory Council, requiring legislative approval.

APPOINTEE: Clayton Andrews, Andrews Van Lines, PO Box 1609, Norfolk, NE 68702, (402) 371-5440.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:fc

REPORTS

Received statement of deposits to the Highway Cash Fund and Roads Operation Cash Fund for the calendar month of December 1991 from the Nebraska Department of Roads in compliance with Section 66-476, R.S. Supp. 1988.

Received annual report of Job Support Program for AFDC Clients in Nebraska for fiscal year 1990 from the Department of Social Services.

GENERAL FILE

LEGISLATIVE BILL 522. Mr. Kristensen moved to indefinitely postpone.

Laid over.

LEGISLATIVE BILL 529. Title read. Considered.

Standing Committee amendment, AM0545, found in the Journal on page 968, First Session, 1991, was adopted with 28 ayes, 0 nays, 2 present and not voting, and 19 excused and not voting.

Mr. Will offered the following amendment:
FA226
On page 4, line 13, strike "October 31, 1991" and insert "January 1, 1993".

The Will amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Messrs. Schellpeper and Rogers asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for review with 26 ayes, 2 nays, 11 present and not voting, and 10 excused and not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1105. Introduced by Will, 8; Hall, 7.

A BILL FOR AN ACT relating to cities and villages; to amend sections 16-722, 19-1101, and 19-1102, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the publication of financial statements, fiscal year reports, and council proceedings as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 1106. Introduced by Conway, 17.

A BILL FOR AN ACT relating to cities and villages; to amend sections 14-556, 16-716, and 17-720, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to deposits in certain financial institutions; and to repeal the original sections.

LEGISLATIVE BILL 1107. Introduced by Chizek, 31.

A BILL FOR AN ACT relating to crimes and punishments; to amend sections 28-304 and 28-305, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the crimes of murder in the second degree and manslaughter; and to repeal the original sections.

LEGISLATIVE BILL 1108. Introduced by Chizek, 31.

A BILL FOR AN ACT relating to retirement; to amend section 24-710, Revised Statutes Supplement, 1991; to provide for adjustment of annuities for retired judges and surviving beneficiaries; and to repeal the original section.

LEGISLATIVE BILL 1109. Introduced by Chizek, 31.

A BILL FOR AN ACT relating to courts; to amend sections 25-2229 and 25-2231, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the appointment and duties of constables; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1110. Introduced by Withem, 14; Abboud, 12.

A BILL FOR AN ACT relating to state government; to adopt the Economy and Productivity in State Government Act; and to provide a termination date.

LEGISLATIVE BILL 1111. Introduced by Schrock, 39; Cudaback, 36; Hillman, 48; Lamb, 43; Schmit, 23.

A BILL FOR AN ACT relating to motor vehicle operator's licenses; to amend section 60-465, Revised Statutes Supplement, 1990; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 1112. Introduced by Byars, 30.

A BILL FOR AN ACT relating to preferred providers; to amend section 44-4113, Reissue Revised Statutes of Nebraska, 1943; to change coinsurance and deductible requirements for covered dental services; and to repeal the original section.

LEGISLATIVE BILL 1113. Introduced by Crosby, 29; Landis, 46; Wesely, 26.

A BILL FOR AN ACT relating to retirement communities; to amend sections 76-1311 and 76-1313, Reissue Revised Statutes of Nebraska, 1943; to adopt the Continuing Care Retirement Community Act; to harmonize provisions; and to repeal the original sections.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 862. Placed on Select File.
LEGISLATIVE BILL 863. Placed on Select File.
LEGISLATIVE BILL 864. Placed on Select File.
LEGISLATIVE BILL 865. Placed on Select File.
LEGISLATIVE BILL 866. Placed on Select File.
LEGISLATIVE BILL 867. Placed on Select File.
LEGISLATIVE BILL 868. Placed on Select File.
LEGISLATIVE BILL 869. Placed on Select File.
LEGISLATIVE BILL 870. Placed on Select File.

(Signed) Eric Will, Chairperson

NOTICE OF COMMITTEE HEARINGS
Judiciary

LB 905	Wednesday, January 22, 1992	1:30 p.m.
LB 940	Wednesday, January 22, 1992	1:30 p.m.

(Signed) Jerry Chizek, Chairperson

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 216 and LR 218.

GENERAL FILE

LEGISLATIVE BILL 682. Title read. Considered.

Standing Committee amendment, AM0500, found in the Journal on page 937, First Session, 1991, was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Mr. Abboud moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Mr. Schrock asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 223. Title read. Considered.

Mr. Wesely asked unanimous consent to be excused until he returns. No objections. So ordered.

Messrs. Wehrbein and Bernard-Stevens asked unanimous consent to be excused. No objections. So ordered.

Mr. Lamb offered the following amendment:
AM2408

1. On page 2, line 2, strike beginning with "enter" through "of" and insert "sell pursuant to section 72-212"; and in line 21 after the period insert "The state investment officer shall invest money credited to the permanent school fund solely for the benefit of the beneficiary in investments of the nature which individuals of prudence, discretion, and intelligence acquire or retain in dealing with the property of another.".

Mrs. Robak asked unanimous consent to be excused. No objections. So ordered.

Mr. Withem offered the following amendment to the pending Lamb amendment:
FA227

Line 3, following "72-212" insert "at no less than appraised value as determined pursuant to section 72-204"

Mr. Schmit asked unanimous consent to be excused. No objections. So ordered.

Mr. Lynch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Withem amendment was adopted with 24 ayes, 0 nays, 13 present and not voting, and 12 excused and not voting.

Pending.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1114. Introduced by R. Johnson, 34.

A BILL FOR AN ACT relating to environmental protection; to amend section 81-1505, Reissue Revised Statutes of Nebraska, 1943; to adopt the Agricultural Chemical Storage and Containment Act; to limit duties of the Department of Environmental Control; to provide severability; and to repeal the original section.

LEGISLATIVE BILL 1115. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Bohlke, 33; R. Johnson, 34; Labedz, 5; Rasmussen, 20; Schimek, 27; Will, 8.

A BILL FOR AN ACT relating to municipal audits; to amend section 19-2906, Reissue Revised Statutes of Nebraska, 1943; to authorize an accountant to report illegal acts or indications of illegal acts; to classify and change a penalty; and to repeal the original section.

LEGISLATIVE BILL 1116. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Bohlke, 33; R. Johnson, 34; Labedz, 5; Rasmussen, 20; Will, 8.

A BILL FOR AN ACT relating to the Municipal Natural Gas Regulation Act; to amend section 19-4612, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the cost of service as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1117. Introduced by Will, 8.

A BILL FOR AN ACT relating to the Uniform Disposition of Unclaimed Property Act; to amend sections 69-1301 to 69-1305, 69-1307, 69-1308, 69-1310, and 69-1329, Reissue Revised Statutes of Nebraska, 1943; to redefine a term; to change provisions relating to when property is reportable to the state; to change and eliminate provisions relating to enforcement remedies and actions; and to repeal the original sections, and also section 69-1323, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1118. Introduced by Wesely, 26; Chizek, 31.

A BILL FOR AN ACT relating to protection of persons under disability; to amend sections 25-2730, 30-2201, 30-2220, 30-2619, 30-2620, 30-2620.01, 30-2625, 30-2626, 30-2627, 30-2628, 30-2630, 30-2633, 30-2634, 30-2636, 30-2637, 30-2639, 30-2643, and 30-2648, Reissue Revised Statutes of Nebraska, 1943; to require a bond for certain appeals in guardianship proceedings; to provide duties for the State Court Administrator; to change provisions relating to appointment, powers, and duties of guardians and conservators and notice and procedures for guardianship and conservatorship proceedings; to provide for appointment of an attorney, a temporary guardian, and a temporary conservator; to provide for an expedited hearing; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1119. Introduced by Conway, 17.

A BILL FOR AN ACT relating to real estate; to amend sections 45-101.05, 45-101.07, 77-204, and 77-1705, Reissue Revised Statutes of Nebraska, 1943; to require a lender to make interest payments on escrow accounts as prescribed; to provide for payment of real estate taxes in monthly installments prior to and after delinquency; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1120. Introduced by Hall, 7.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1239, 77-2715.02, 77-2715.07, 77-27,136 to 77-27,137.02, and 77-27,139, Reissue Revised Statutes of Nebraska, 1943, and sections 77-202, 77-2702, 77-2703, 77-2704, 77-2708, 77-2716, 77-2716.01, 77-3437, 77-3438, 77-3439, 79-3814, 79-3816, and 79-3820, Revised Statutes Supplement, 1991; to change and eliminate property tax exemptions; to redefine terms for sales and use tax purposes; to reduce the collection fee for sales and use tax; to change and eliminate exemptions from sales and use tax; to change the income tax rate calculations; to adjust income for depreciation; to create a tax credit; to eliminate personal exemptions; to increase aid to political subdivisions; to change the distribution of the aid; to establish and change limits on governmental subdivision expenditures and receipts; to eliminate provisions dealing with capital gains and a provision dealing with distribution of intangible tax receipts; to harmonize provisions; to provide operative dates; to repeal the original sections, and also section 77-27,140, Reissue Revised Statutes of Nebraska, 1943, and sections 77-2715.08, 77-2715.09, and 77-3441, Revised Statutes Supplement, 1991; and to declare an emergency.

LEGISLATIVE BILL 1121. Introduced by Hall, 7; Baack, 47; Moore, 24; Rogers, 41.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-1108, 14-1821, 15-318, 15-319, 15-808, 16-702, 17-955, 17-957, 21-17,126, 23-104, 23-320.07, 23-3501, 23-3502, 23-3515, 31-410.01, 31-411.02, 31-447, 31-773, 31-779, 32-4,114, 39-1518, 46-541, 46-542, 46-543, 46-544, 77-398, 77-399, 77-3,100, 77-908, 77-1209, 77-1209.02, 77-1209.03, 77-1338, 77-1602, 77-1603, 77-1605, 77-1605.01, 77-1613, 77-27,139, 79-1052, and 79-2210, Reissue Revised Statutes of Nebraska, 1943, and sections 77-112, 77-202, 77-1301.13, 77-1504, and 79-2203, Revised Statutes Supplement, 1991; to change references to actual values and valuation; to eliminate references to intangible property; to redefine a term; to exempt personal property from taxation for tax year 1992; to eliminate certain property tax exemptions; to harmonize provisions; to provide duties for the Revisor of Statutes; to provide an operative date; and to repeal the original sections, and also sections 77-103.01, 77-202.46, 77-202.47, 77-27,140, 77-1209.04, and 77-1209.05, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1122. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to the Environmental Protection Act; to amend sections 81-1504, 81-1505, 81-1505.01, 81-1506, 81-1510, and 81-1527, Reissue Revised Statutes of Nebraska, 1943, and sections 81-1508 and 81-1532, Revised Statutes Supplement, 1991; to change provisions relating to control of air pollution; to provide for a public advocate and a Small Business Compliance Advisory Panel; to provide and change fees and penalties; to change provisions relating to obtaining voluntary compliance; to change a reference to federal law; to eliminate provisions relating to preliminary orders and processing of applications; to harmonize provisions; and to repeal the original sections.

NOTICE OF COMMITTEE HEARINGS

Health and Human Services

LB 983	Thursday, January 23, 1992	1:30 p.m.
LB 909	Thursday, January 23, 1992	1:30 p.m.
LB 970	Thursday, January 23, 1992	1:30 p.m.
LB 906	Thursday, January 23, 1992	1:30 p.m.

(Signed) Don Wesely, Chairperson

Revenue

LB 982	Wednesday, January 22, 1992	1:30 p.m.
LB 986	Wednesday, January 22, 1992	1:30 p.m.
LB 997	Wednesday, January 22, 1992	1:30 p.m.
LB 1004	Wednesday, January 22, 1992	1:30 p.m.
LB 1013	Wednesday, January 22, 1992	1:30 p.m.

(Signed) Tim Hall, Chairperson

UNANIMOUS CONSENT - Add Cointroducer

Mr. Lamb asked unanimous consent to have his name added as cointroducer to LB 872. No objections. So ordered.

VISITOR

Visitor to the Chamber was Stephany Indie from Honolulu, Hawaii.

ADJOURNMENT

At 12:04 p.m., on a motion by Speaker Baack, the Legislature adjourned until 10:00 a.m., Thursday, January 16, 1992.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTH DAY - JANUARY 16, 1992

LEGISLATIVE JOURNAL

SEVENTH DAY - JANUARY 16, 1992

LEGISLATIVE JOURNAL

NINETY-SECOND LEGISLATURE
SECOND SESSION

SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 16, 1992

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Moul presiding.

PRAYER

The prayer was offered by Pastor Aaron Black, First Methodist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. L. Johnson who was excused; and Messrs. Haberman, Hall, Robinson, and Schmit who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixth day was approved.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 871. Placed on Select File.

(Signed) Eric Will, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the rereferral of legislative bill 1040, the referral of legislative bills 1065 through 1104, legislative resolution 220, and Governor appointment.

LB	Committee
1040	Nebraska Retirement Systems
1065	Transportation
1066	Transportation
1067	Transportation
1068	Transportation
1069	Transportation
1070	Transportation
1071	Education
1072	Education
1073	Government, Military and Veterans Affairs
1074	Banking, Commerce and Insurance
1075	Banking, Commerce and Insurance
1076	Health and Human Services
1077	Health and Human Services
1078	Health and Human Services
1079	Health and Human Services
1080	Health and Human Services
1081	Government, Military and Veterans Affairs
1082	Education
1083	Revenue
1084	Business and Labor
1085	Banking, Commerce and Insurance
1086	Education
1087	Urban Affairs
1088	Appropriations
1089	Banking, Commerce and Insurance
1090	Revenue
1091	Transportation
1092	Transportation
1093	Urban Affairs
1094	Revenue
1095	Transportation
1096	Transportation
1097	Transportation
1098	Judiciary
1099	Health and Human Services
1100	Revenue
1101	Natural Resources

1102	Business and Labor
1103	Judiciary
1104	Appropriations

LR	**Committee**
220	Natural Resources

Education
Coordinating Commission for Postsecondary Education
Barbara K. Marcy

(Signed) Jerome Warner, Chairperson
Legislative Council
Executive Board

NATURAL RESOURCE DISTRICT REPORT

In compliance with Section 2-3262 (R.R.S. 1943) a summary of all fees paid to date during calendar year 1991 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	FEE
Central Platte Natural Resources District	
Cook, Wightman, Doyle	67,846.47
Robert Grimit	422.35
Shamberg & Wolf	100.00
PRA, Inc.	6,136.45
H.J. Moors & Associates	9,035.00

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1123. Introduced by Withem, 14.

A BILL FOR AN ACT relating to schools; to amend section 77-27,132, Reissue Revised Statutes of Nebraska, 1943, and section 79-3509.03, Revised Statutes Supplement, 1991; to authorize the credit of certain tax proceeds to the Excellence in Education Fund; to change a restriction on appropriations as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 1124. Introduced by Withem, 14.

A BILL FOR AN ACT relating to postsecondary education; to amend sections 85-985, 85-987, 85-991, and 85-993, Reissue Revised Statutes of Nebraska, 1943, sections 85-980.01, 85-993.01, 85-994, 85-995, 85-999, 85-9,101, 85-9,117, 85-9,121, and 85-9,123, Revised Statutes Supplement, 1990, and sections 85-9,131, 85-9,140, 85-9,142, 85-9,143, 85-9,146, 85-9,148, 85-9,151, 85-9,152, 85-9,153, 85-9,158, and 85-9,160, Revised Statutes Supplement, 1991; to define, redefine, and eliminate terms; to change provisions of the State Scholarship Award Program Act, the Scholarship Assistance Program Act, and the Postsecondary Education Award Program Act to reconcile such acts with federal law; to provide, change, and eliminate powers and duties of the Coordinating Commission for Postsecondary Education; to harmonize provisions; to repeal the original sections, and also sections 85-998 and 85-9,125, Revised Statutes Supplement, 1990, and section 85-9,156, Revised Statutes Supplement, 1991; and to declare an emergency.

LEGISLATIVE BILL 1125. Introduced by Withem, 14.

A BILL FOR AN ACT relating to schools; to amend sections 23-3305, 79-307, 79-321.03, 79-321.04, 79-433, 79-434, 79-547.03, 79-1252, 79-1285, and 79-2110 to 79-2114, Reissue Revised Statutes of Nebraska, 1943, sections 79-101, 79-490, 79-4,141.01, 79-1303, and 79-3408, Revised Statutes Supplement, 1990, and sections 79-101.01, 79-451, 79-1369, 79-1384, 79-3410, 79-3703, 79-3806, 79-3811, 79-3822, and 79-3824, Revised Statutes Supplement, 1991; to redefine terms; to change provisions relating to forms, the Program of Student Personnel Services, joint districts, transportation allowances, audits, applicability of annual budget requirements, violation of contracts, valuation of school lands, overpayment of funds, power to borrow money, instructional telecommunications, the enrollment option program, dates for filing certain reports, equalization aid, data provided to the Governor, and the failure to file timely reports; to provide subpoena power for the Commissioner of Education; to eliminate provisions relating to a federation of school districts; to harmonize provisions; and to repeal the original sections, and also sections 79-2301 to 79-2304, 79-2306, and 79-2308 to 79-2316, Reissue Revised Statutes of Nebraska, 1943, and sections 79-2305, 79-2307, and 79-2317, Revised Statutes Supplement, 1990.

LEGISLATIVE BILL 1126. Introduced by Robak, 22.

A BILL FOR AN ACT relating to the Nebraska Fair Employment Practice Act; to amend section 48-1118, Revised Statutes Supplement, 1990; to change the time for filing a written charge of violation; and to repeal the original section.

GENERAL FILE

LEGISLATIVE BILL 671. Title read. Considered.

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER BAACK PRESIDING

Mrs. Labedz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Landis moved for a call of the house. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

Advanced to E & R for review with 34 ayes, 10 nays, 2 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

EXPLANATION OF VOTE

Had I been present, I would have voted aye on the advancement of LB 682.

(Signed) Doug Kristensen

NOTICE OF COMMITTEE HEARINGS
Revenue

LB 947	Thursday, January 23, 1992	1:30 p.m.
LB 1094	Thursday, January 23, 1992	1:30 p.m.
LB 1026	Thursday, January 23, 1992	1:30 p.m.
LB 1090	Thursday, January 23, 1992	1:30 p.m.
LB 924	Friday, January 24, 1992	1:30 p.m.
LB 1021	Friday, January 24, 1992	1:30 p.m.

LB 1083	Friday, January 24, 1992	1:30 p.m.
LB 995	Friday, January 24, 1992	1:30 p.m.
LB 962	Friday, January 24, 1992	1:30 p.m.

(Signed) Tim Hall, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 338A. Introduced by R. Johnson, 34.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 338, Ninety-second Legislature, Second Session, 1992.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE RESOLUTION 9CA. Placed on Select File.

LEGISLATIVE BILL 437. Placed on Select File.

LEGISLATIVE BILL 764. Placed on Select File as amended.
E & R amendment to LB 764:
AM5191

1. On page 1, line 2, strike "sections 31-723, 31-733," and insert "section"; in line 3 strike "and 31-739,"; strike beginning with "to" in line 4 through the first semicolon in line 8; strike lines 9 through 11; and in line 12 strike "sections" and insert "section".

(Signed) Eric Will, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 221. Introduced by Kristensen, 37.

WHEREAS, the city of Red Cloud owns property located in Webster County, Nebraska, adjacent to the Game and Parks Commission's Indian Creek Wildlife Management Area; and

WHEREAS, the Game and Parks Commission has the general authority to acquire real estate with the consent of the Governor by gift; and

WHEREAS, in the interest of promoting outdoor opportunities for Nebraskans, the Legislature wishes to grant approval for the Game and Parks Commission to obtain title to all or any part of such land presently held by the city of Red Cloud.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature approves the gift from the city of Red Cloud to the Game and Parks Commission of all of the real estate described as follows:

A parcel of land located in lot 4, the lot is located in the southeast quarter of section 11, township 1 north, range 11 west of the 6th principal meridian, Webster County, Nebraska, and more particularly described as follows: Commencing at the southeast corner of such section 11, thence northerly along the east line of such southeast quarter on an assumed bearing of north 0 degrees, 01 minutes, 21 seconds, east a distance of 461.7 feet, thence north 89 degrees, 58 minutes, 39 seconds, west a distance of 50.0 feet to a point on the west right-of-way line of U.S. Highway 281, thence north 0 degrees, 01 minutes, 21 seconds, east along the right-of-way line a distance of 31.01 feet, such point being the true point of beginning, thence south 87 degrees, 41 minutes, 21 seconds, west a distance of 339.29 feet, thence south 82 degrees, 11 minutes, 21 seconds, west a distance of 395.13 feet to a point on the west line of such lot 4, thence north 0 degrees, 01 minutes, 21 seconds, east along the west line of such lot 4 a distance of 784.08 feet to the centerline of the Republican River, thence south 78 degrees, 40 minutes, 02 seconds, east along the centerline of the Republican River a distance of 744.92 feet to a point on the right-of-way line, thence south 0 degrees, 01 minutes, 21 seconds, west along the right-of-way a distance of 570.32 feet to the point of beginning; containing 11.21 acres, more or less, and including all gas, oil, and mineral rights.

2. That such approval is granted with the understanding that the land described shall be designated and utilized as an addition to Indian Creek Wildlife Management Area.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Withem asked unanimous consent to print the following amendment to LB 145 in the Journal. No objections. So ordered.

AM2413

(Amendments to Standing Committee amendments, AM0817)

1. On page 1, line 5, strike "hundred" and insert "thousand".

Mr. Schellpeper asked unanimous consent to print the following amendment to LR 9CA in the Journal. No objections. So ordered.

AM2404

1. On page 1, line 15, strike "or" and insert a comma; in line 16 after "deny" insert ", suspend, cancel, or revoke"; and in line 17 strike "A".

2. On page 2, strike beginning with "liquor" in line 1 through the first period in line 3 and insert "No person shall be entitled to obtain a liquor license as a matter of law."; in line 12 strike "or deny" and insert ", deny, suspend, cancel, or revoke"; and strike beginning with "a" in line 15 through line 17 and insert "no person shall be entitled to obtain a liquor license as a matter of law.".

Mr. Schellpeper asked unanimous consent to print the following amendment to LB 718 in the Journal. No objections. So ordered.

AM2412

1. In the Standing Committee amendments, AM0425:

a. Insert the following new section:

"Sec. 8. The State Racing Commission shall not issue a license for a teleracing facility unless the local governing body of the city or village in which such facility is proposed or of the county, if the facility is not within the corporate limits of a city or village, has by ordinance or resolution approved the operation of the facility within such jurisdiction.";

b. On page 1, line 10; page 2, line 23; page 6, lines 4 and 16; page 8, lines 18 and 19; and page 10, lines 8 and 23, strike "15" and insert "16"; and

c. Renumber the remaining sections accordingly.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1127. Introduced by Chizek, 31.

A BILL FOR AN ACT relating to the Board of Parole; to amend sections 83-189, 83-190, 83-196, 83-1,111, and 83-1,135, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to qualifications and terms of board members as prescribed; to change provisions relating to meetings, hearings, and reviews conducted by the board as prescribed; to change a provision relating to votes taken by the board; to provide a duty for the Department of Correctional Services; to require physical and mental examinations of certain convicted offenders as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1128. Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to horseracing; to amend sections 2-1207, 2-1208, and 2-1209, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to racetrack fee collection and distribution; to eliminate the Track Distribution Fund; to harmonize provisions; and to repeal the original sections, and also sections 2-1208.03 and 2-1208.04, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1129. Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to horseracing; to amend section 2-1228, Revised Statutes Supplement, 1990; to change provisions relating to interstate simulcast facility license applications; and to repeal the original section.

LEGISLATIVE BILL 1130. Introduced by General Affairs Committee: Schellpeper, 18, Chairperson; Cudaback, 36; Hartnett, 45; R. Johnson, 34; Labedz, 5; Rasmussen, 20; Rogers, 41; Will, 8.

A BILL FOR AN ACT relating to the State Lottery Act; to amend sections 9-810 and 9-812, Reissue Revised Statutes of Nebraska, 1943, and section 77-2704, Revised Statutes Supplement, 1991; to change provisions relating to the state's liability for prizes awarded pursuant to the act; to change provisions relating to unclaimed prizes; to exempt the purchase of lottery tickets from sales tax as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 1131. Introduced by General Affairs Committee: Schellpeper, 18, Chairperson; Cudaback, 36; Hartnett, 45; R. Johnson, 34; Rasmussen, 20; Rogers, 41; Will, 8.

A BILL FOR AN ACT relating to gaming; to amend sections 9-1,104, 9-226, 9-228, 9-235, 9-235.03, 9-259, 9-261, 9-315, 9-322, 9-324, 9-329.02, 9-330, 9-344, 9-345.01, 9-346, 9-349, 9-404, 9-407, 9-408, 9-418, 9-420, 9-425, 9-508, 9-607, 9-620, 9-643, and 9-701, Reissue Revised Statutes of Nebraska, 1943; to authorize background investigations and facilities inspections and provide for payment of the costs; to change provisions relating to persons subject to fingerprinting and criminal records checks, issuance and renewal of and disciplinary actions involving licenses and permits, the conduct of lotteries by the sale of pickle cards, and requirements for annual reports, hearings, distributors, commercial lessors, sale or lease of pickle card dispensing devices, and qualifying nonprofit organizations; to redefine terms; to eliminate provisions relating to lottery operations in existence on March 1, 1989, advertising limitations, and requirements for certain lottery tickets and supplies; to harmonize provisions; and to repeal the original sections, and also sections 9-251 and 9-636, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1132. Introduced by Lindsay, 9; Landis, 46.

A BILL FOR AN ACT relating to the Nebraska Educational Facilities Authority Act; to amend sections 79-2901, 79-2902, 79-2903, 79-2912, 79-2918, 79-2938, 79-2940, 79-2959, and 79-2960, Reissue Revised Statutes of Nebraska, 1943; to state intent; to change provisions relating to membership on and contributions to the authority; to create the Nebraska Student Loan Assistance Program; to authorize the issuance of bonds; to provide powers; to provide a duty for the Revisor of Statutes; to eliminate a definition; to harmonize provisions; and to repeal the original sections, and also section 79-2909.01, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1133. Introduced by Conway, 17.

A BILL FOR AN ACT relating to elections; to create the State Election Board and the State Election Commissioner; to provide powers and duties; and to provide an operative date.

LEGISLATIVE BILL 1134. Introduced by Conway, 17.

A BILL FOR AN ACT relating to political subdivisions; to amend sections 16-239, 17-961 to 17-966, 23-3501, 23-3516, 23-3519, and 23-3553, Reissue Revised Statutes of Nebraska, 1943; to authorize certain cities, villages, and counties to establish and provide funding for multiunit housing; to eliminate a provision on registration of bonds for certain facilities established by counties; to harmonize provisions; and to repeal the original sections, and also section 23-3518, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1135. Introduced by Conway, 17.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 37-1103, 39-2510, 39-2520, 60-303, 60-305.04, 60-305.11, 60-305.15, 60-311.02, 60-311.21, 60-318, 60-1803, 60-1807, 70-651.05, 77-202.01, 77-202.02, 77-202.03, 77-202.04, 77-202.05, 77-202.06, 77-202.25, and 77-1201, Reissue Revised Statutes of Nebraska, 1943, sections 60-302, 60-310, 60-344, and 60-1411.03, Revised Statutes Supplement, 1990, and sections 60-106, 60-311.14, 60-315, 60-320, 66-644, 77-201, 77-202, and 77-202.24, Revised Statutes Supplement, 1991; to define terms; to provide a motor vehicle fee; to provide exemptions from the fee; to provide fee schedules; to eliminate certain tax exemptions; to eliminate certain provisions relating to the valuation and taxation of motor vehicles; to harmonize provisions; to provide an operative date; and to repeal the original sections, and also sections 60-1806, 77-202.08, 77-1238, 77-1239, 77-1239.01, 77-1239.02, 77-1240, 77-1240.01, 77-1240.04, 77-1241.01, and 77-1242.02, Reissue Revised Statutes of Nebraska, 1943, and sections 77-1240.03 and 77-1242.01, Revised Statutes Supplement, 1991.

LEGISLATIVE BILL 1136. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend sections 48-128 and 48-162.02, Reissue Revised Statutes of Nebraska, 1943, and section 48-146.03, Revised Statutes Supplement, 1990; to change insurer contributions as prescribed; to change provisions relating to the Second Injury Fund; to change provisions relating to deductible options in workers' compensation policies; to change provisions relating to the Vocational Rehabilitation Fund; and to repeal the original sections.

LEGISLATIVE BILL 1137. Introduced by Will, 8.

A BILL FOR AN ACT relating to the Nebraska Pickle Card Lottery Act; to amend section 9-347.01, Reissue Revised Statutes of Nebraska, 1943;

to change a provision relating to the distribution of net profits as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1138. Introduced by Rogers, 41; Bernard-Stevens, 42; Beyer, 3; Dierks, 40; Elmer, 38; Hillman, 48; R. Johnson, 34; Lamb, 43; Morrissey, 1; Peterson, 21; Wickersham, 49; Withem, 14.

A BILL FOR AN ACT relating to emergency medical services; to amend sections 23-1821, 71-5102, 71-5105, 71-5108, 71-5110, 71-5111, 71-5113, 71-5115, 71-5124, 71-5125, 71-5127 to 71-5132, 71-5134 to 71-5137, 71-5139, and 71-5140, Reissue Revised Statutes of Nebraska, 1943, and section 71-507, Revised Statutes Supplement, 1991; to adopt the First Responders Emergency Rescue Act; to provide a duty for first responders; to redefine a term; to provide for credentialing for first responders-D and first responder services-D and approval of first responder-D training courses; to change membership on the Board of Ambulance Advisors; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1139. Introduced by Schrock, 39; Elmer, 38; R. Johnson, 34; Lamb, 43; Wehrbein, 2.

A BILL FOR AN ACT relating to the Nebraska Natural Resources Commission; to amend section 2-1504.03, Reissue Revised Statutes of Nebraska, 1943; to change the appointment procedure of the Director of Natural Resources; to require a bond; and to repeal the original section.

LEGISLATIVE BILL 1140. Introduced by Warner, 25.

A BILL FOR AN ACT relating to public buildings and lands; to amend sections 2-127, 72-729, 81-1108.17, 81-1108.32, 81-1108.36, and 81-1108.38, Reissue Revised Statutes of Nebraska, 1943; to eliminate the State Building Advisory Commission and to create the Nebraska Capitol Commission; to provide powers and duties for the commission; to eliminate provisions relating to the Nebraska Educational Telecommunications Building; to harmonize provisions; and to repeal the original sections, and also sections 72-718.03 and 72-718.05, Reissue Revised Statutes of Nebraska, 1943.

RESOLUTION

LEGISLATIVE RESOLUTION 222. Introduced by Coordsen, 32; Abboud, 12; Beyer, 3; Byars, 30; Crosby, 29; Cudaback, 36; Dierks, 40; Elmer, 38; Haberman, 44; Hefner, 19; R. Johnson, 34; Labedz, 5; Lamb, 43; Peterson, 21; Pirsch, 10; Robak, 22; Robinson, 16; Rogers, 41; Schellpeper, 18; Schmit, 23; Schrock, 39; Warner, 25; Wehrbein, 2; Wickersham, 49.

WHEREAS, although the right of free expression is part of the foundation of the Constitution of the United States, very carefully drawn limits on expression in specific instances have long been recognized as legitimate means of maintaining public safety and defining other societal standards; and

WHEREAS, certain actions, although arguably related to a person's free expression, nevertheless raise issues concerning public decency, public peace, and the rights of other citizens; and

WHEREAS, there are symbols of our national soul, such as the Washington Monument, the United States Capitol, and memorials to our greatest leaders, which are the property of every American and are worthy of protection from desecration and dishonor; and

WHEREAS, the United States Flag is a most honorable and worthy banner of a nation which is thankful for its strengths and committed to curing its faults, a nation that remains the destination of millions of immigrants attracted by the universal power of the American ideal; and

WHEREAS, the law as interpreted by the United States Supreme Court no longer accords the Stars and Stripes the reverence, respect, and dignity befitting the banner of that most noble experiment of a nation-state; and

WHEREAS, it is only fitting that people everywhere should lend their voices to a forceful call for restoration of the Stars and Stripes to a proper station under law and decency.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature hereby memorializes the Congress of the United States to propose to the states an amendment to the Constitution of the United States which specifies that Congress and the states have the power to prohibit the physical desecration of the United States Flag.

2. That the Clerk of the Legislature transmit a copy of this resolution to the Speaker of the House of Representatives and President of the Senate of the Congress of the United States, to all members of the Nebraska delegation to the Congress of the United States, and to President George Bush with the request that it be officially entered in the Congressional Record as a memorial to the Congress of the United States.

Referred to the Reference Committee.

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs

LB 910	Thursday, January 23, 1992	1:30 p.m.
LB 920	Thursday, January 23, 1992	1:30 p.m.
LB 946	Thursday, January 23, 1992	1:30 p.m.
LB 966	Thursday, January 23, 1992	1:30 p.m.
LR 207CA	Thursday, January 23, 1992	1:30 p.m.
LR 208CA	Thursday, January 23, 1992	1:30 p.m.
LB 918	Friday, January 24, 1992	1:30 p.m.
LB 908	Friday, January 24, 1992	1:30 p.m.
LB 898	Friday, January 24, 1992	1:30 p.m.
LB 965	Friday, January 24, 1992	1:30 p.m.

(Signed) Gerald Conway, Chairperson

VISITORS

Visitors to the Chamber were 32 ninth through twelfth grade students and teacher from Harvard High School.

RECESS

At 11:48 a.m., on a motion by Mr. Conway, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:32 p.m., Speaker Baack presiding.

ROLL CALL

The roll was called and all members were present except Mr. L. Johnson who was excused; and Messrs. Abboud, Ashford, Bernard-Stevens, Beutler, Chambers, Chizek, Elmer, Hall, Hartnett, Horgan, Kristensen, Morrissey, Schmit, Wehrbein, Wickersham, Mmes. Labedz, Nelson, Pirsch, and Robak who were excused until they arrive.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the rereferral of legislative bill 1082, the referral of legislative bills 1105 through 1122, and Governor appointments.

LB	**Committee**
1082	Appropriations
1105	Urban Affairs
1106	Urban Affairs
1107	Judiciary
1108	Nebraska Retirement Systems
1109	Judiciary
1110	Government, Military and Veterans Affairs
1111	Transportation
1112	Banking, Commerce and Insurance
1113	Banking, Commerce and Insurance
1114	Natural Resources
1115	Urban Affairs
1116	Urban Affairs
1117	Government, Military and Veterans Affairs
1118	Judiciary
1119	Revenue
1120	Revenue
1121	Revenue
1122	Natural Resources

Natural Resources
Nebraska Game and Parks Commission
William L. Grewcock

Nebraska Retirement Systems
Nebraska Public Employees Retirement Board
William J. Lindsay, Jr.
Alcurtis Robinson

Education
Nebraska Safety Center Advisory Council
Clayton Andrews
Dr. James L. Manion
Larry Morris
Frank Rauner
Duane Schmidt

Rollin Schneider
David Stubbs

(Signed) Jerome Warner, Chairperson
Legislative Council
Executive Board

GENERAL FILE

LEGISLATIVE BILL 223. The pending Lamb amendment, AM2408, as amended, found in the Journal on page 316, was renewed.

The Lamb amendment, as amended, was adopted with 26 ayes, 0 nays, 4 present and not voting, and 19 excused and not voting.

Mr. Chambers asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Lamb moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Mr. Lamb requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 19:

Abboud
Ashford
Bernard-Stevens
Beutler
Elmer
Hartnett
Hillman
Johnson, R.
Labedz
Lamb
Lindsay
Moore
Pirsch
Robak
Rogers
Schmit
Schrock
Wickersham
Will

Voting in the negative, 27:

Baack
Beyer
Bohlke
Byars
Chizek
Conway
Coordsen
Crosby
Cudaback
Dierks
Haberman
Hall
Hefner
Horgan
Kristensen
Landis
Lynch
Nelson
Peterson
Rasmussen
Robinson
Schellpeper
Schimek
Warner
Wehrbein
Wesely
Withem

Excused and not voting, 3:

Chambers	Johnson, L.	Morrissey

Failed to advance to E & R for review with 19 ayes, 27 nays, and 3 excused and not voting.

The Chair declared the call raised.

Messrs. Peterson and Elmer asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 696. Title read. Considered.

Standing Committee amendment, AM0464, printed separately from the Journal and referred to on page 941, First Session, 1991, was considered.

Messrs. Lindsay and Wesely offered the following amendment to the Standing Committee amendment:
(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM2418.)

MR. WARNER PRESIDING

Messrs. Coordsen, Kristensen, and Mrs. Pirsch asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER BAACK PRESIDING

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

The Lindsay-Wesely amendment was adopted with 15 ayes, 0 nays, 24 present and not voting, and 10 excused and not voting.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Messrs. Lindsay and Wesely withdrew their pending amendment, AM2354, printed separately from the Journal and referred to on page 204.

MR. WARNER PRESIDING

Advanced to E & R for review with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 573. Title read. Considered.

Standing Committee amendment, AM0532, found in the Journal on page 914, First Session, 1991, was considered.

Mr. Baack renewed his pending amendment, AM0721, found in the Journal on page 1080, First Session, 1991, to the Standing Committee amendment.

The Baack amendment was adopted with 22 ayes, 0 nays, 18 present and not voting, and 9 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Messrs. Schmit, Abboud, and Kristensen asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for review with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 301. Title read. Considered.

Standing Committee amendment, AM1575, found in the Journal on page 1970, First Session, 1991, was considered.

Mrs. Robak asked unanimous consent to be excused. No objections. So ordered.

SPEAKER BAACK PRESIDING

The Standing Committee amendment was adopted with 29 ayes, 0 nays, 9 present and not voting, and 11 excused and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 10 present and not voting, and 11 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Lynch asked unanimous consent to print the following amendment to LB 823 in the Journal. No objections. So ordered.

AM2424

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 43-102, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-102. Except as otherwise provided in the Nebraska Indian Child Welfare Act, any person or persons desiring to adopt a minor child or an adult child of such person's spouse shall file, in the county court of the county in which the person or persons desiring to adopt such child reside, a petition for adoption, signed and sworn to by the person or persons desiring to adopt, ~~together with~~ the consent or consents required by section 43-104 or 43-104.07, ~~and~~ the certificates required by sections 43-104.02 to 43-104.06 or the documents required by section 43-104.07, and a completed preplacement home study if required by section 43-107.

Except as set out in subdivisions (1)(b)(i), (iii), and (iv) of section 43-107, an adoption decree shall not be issued until at least six months after a home study has been completed.

Sec. 2. That section 43-107, Revised Statutes Supplement, 1990, be amended to read as follows:

43-107. (1)(a) For adoption placements occurring or in effect prior to January 1, 1993, upon ~~Upon~~ the filing of a petition for adoption, the county judge shall, except in the adoption of children by stepparents when the requirement of an investigation is discretionary, request the Department of Social Services or any child placement agency licensed by the department to examine into the allegations set forth in the petition and to ascertain any other facts relating to such minor child and the person or persons petitioning to adopt such child as may be relevant to the propriety of such adoption, except that the county judge shall not be required to request such an examination if the judge determines that information compiled in a previous examination or study is sufficiently current and comprehensive. Upon the request being made, the Department of Social Services or other licensed agency shall conduct an investigation and report its findings to the county judge in writing at least one week prior to the date set for hearing.

(b) For adoption placements occurring on or after January 1, 1993, upon the filing of a petition for adoption, a preplacement home study, completed within one year before the date on which the adoptee is placed with the petitioner or petitioners, shall be filed with the county court.

(i) A home study shall not be required when the petitioner is a stepparent of the adoptee unless required by the court except that, the county judge shall order the department to conduct a law enforcement check and a check of the central register created in section 28-718 for any history of the petitioner of behavior injurious to or which may endanger the health or morals of a child. An adoption decree shall not be issued until a report of the findings of the department are on file with the court.

(ii) The preplacement or postplacement home study shall be performed as prescribed in rules and regulations of the department and shall include at a minimum an examination into the facts relating to the petitioner or petitioners as may be relevant to the propriety of such adoption and may include appropriate facts relating to the adoptee if such adoptee is known. Such rules and regulations shall require a home study to include a law enforcement check and a check of the central register created in section 28-718 for any history by the petitioner or petitioners of behavior injurious to or which may endanger the health or morals of a child.

(iii) The placement of a child for foster care made by or facilitated by the Department of Social Services or a licensed child placement agency in the home of a person who later petitions the court to adopt the child shall be exempt from the requirements of a preplacement home study, except that the petitioner or petitioners who meet such criteria shall be required to have a postplacement home study completed and filed with the county court at least one week prior to the hearing for adoption.

(iv) A voluntary placement for purposes other than adoption made by a parent or guardian of a child without assistance from an attorney, physician, or other individual or agency which later results in a petition for the adoption of the child shall be exempt from the requirements of a preplacement home study, except that the petitioner or petitioners who meet such criteria shall be required to have a postplacement home study completed and filed with the county court at least one week prior to the hearing for adoption.

(v) Any home study required by this section shall be conducted by the Department of Social Services or a licensed child placement agency at the expense of the petitioner or petitioners. The department or licensed agency shall determine the fee or rate for the home study.

(2) Upon the filing of a petition for adoption, the county judge shall require that a complete medical history be provided on the child, except that in the adoption of a child by a stepparent the provision of a medical history shall be discretionary. A medical history shall be provided, if available, on the biological mother and father and their biological families, including, but not limited to, siblings, parents, grandparents, aunts, and uncles, unless the child is foreign born or was abandoned. The medical history or histories shall be reported on a form provided by the Bureau of Vital Statistics and filed along with the report of adoption as provided by section 71-626. If the medical history or histories do not accompany the report of adoption, the Bureau of Vital Statistics shall inform the county court and the State Court Administrator. The medical history or histories shall be made part of the court record. After the entry of a decree of adoption, the court shall retain a copy and forward the original medical history or histories to the Bureau of Vital Statistics. This subsection shall only apply when the relinquishment or consent for an adoption is given on or after September 1, 1988.

Sec. 3. That original section 43-102, Reissue

Revised Statutes of Nebraska, 1943, and section 43-107, Revised Statutes Supplement, 1990, are repealed.".

Mr. Wesely asked unanimous consent to print the following amendment to LB 677 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM2332.)

Mr. Hefner asked unanimous consent to print the following amendment to LB 411 in the Journal. No objections. So ordered.

AM2370

(Amendments to Standing Committee amendments, AM0272)

1. On page 1, line 1, after the first comma insert "lines 21 and 22, strike '1992' and insert '1993'; in" and strike the second comma; and in line 3 after "strike" insert "'1993' and insert '1994' and strike".

STANDING COMMITTEE REPORT
Judiciary

LEGISLATIVE BILL 495. Placed on General File.

(Signed) Jerry Chizek, Chairperson

NOTICE OF COMMITTEE HEARING
Judiciary

LB 902	Thursday, January 23, 1992	1:30 p.m.
LB 923	Thursday, January 23, 1992	1:30 p.m.
LB 1014	Thursday, January 23, 1992	1:30 p.m.

(Signed) Jerry Chizek, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 223. Introduced by Kristensen, 37.

WHEREAS, Senator Ron Cope, who played an active role in the Kearney area and served as a state senator from the thirty-sixth district, passed away Sunday, January 12, 1992; and

WHEREAS, Senator Cope and his wife, Carol, have given selflessly of their time and talents to the Kearney area and received the "Friends of Kearney" award from the Kearney Area Chamber of Commerce in 1991 and the Kearney Sertoma "Service to Mankind" award in 1989; and

WHEREAS, because of his dedication to his community, Senator Cope received many other honors and awards; and

WHEREAS, Ron Cope was a true public servant, and while his dedication and presence will be missed, his spirit of community will be remembered.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature extends its sympathy to Carol Cope and the family and friends of Ron Cope.
2. That a copy of this resolution be sent to Carol Cope.

Laid over.

MOTION - Suspend Rules

Mr. Kristensen moved to suspend Rule 3, Section 13 to cancel the confirmation hearing before the Transportation Committee for Allan Abbott, Director of the Department of Roads.

Laid over.

EXPLANATION OF VOTE

Had I been present, I would have voted yes on the advancement of LB 696.

(Signed) Doug Kristensen

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 312. Placed on Select File as amended.
E & R amendment to LB 312:
AM5192

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. (1) A person who intentionally, willfully, and without permission releases an animal lawfully confined for science, research, commerce, agriculture, or education is liable to the owner of the animal for damages, including the costs of restoring the animal to confinement and to its health condition prior to release and the costs for damage to real property caused by the released animal. If the release causes the failure of an experiment, the person shall also be liable for all costs of repeating the experiment, including replacement of the animals, labor, and materials.

(2) A person who intentionally, willfully, and without permission releases an animal lawfully confined for science, research, commerce, agriculture, or education shall be guilty of a Class II misdemeanor for the first offense and a Class I misdemeanor for all subsequent offenses.

(3) For purposes of this section, animal shall mean any warmblooded or coldblooded animal used in food, fur, or fiber production, agriculture, research, testing, or education and shall include dogs, cats, poultry, fish, and invertebrates.

(4) This section shall not apply to lawful activities of any governmental agency or employees or agents of such agency carrying out their duties prescribed by law.

Sec. 2. That section 28-101, Revised Statutes Supplement, 1991, be amended to read as follows:

28-101. Sections 28-101 to 28-1348 and section 1 of this act shall be known and may be cited as the Nebraska Criminal Code.

Sec. 3. That original section 28-101, Revised Statutes Supplement, 1991, is repealed.".

2. On page 1, strike beginning with "adopt" in line 1 through line 2 and insert "amend section 28-101, Revised Statutes Supplement, 1991; to provide liability for releasing certain animals; to provide penalties; to define a term; to provide an exception; to harmonize provisions; and to repeal the original section.".

LEGISLATIVE BILL 338. Placed on Select File as amended.
E & R amendment to LB 338:

AM5193

1. Because of the amendment of section 81-1532 by Laws 1991, LB 528, section 2, on page 1, lines 2 and 3; page 2, lines 1 and 2; and page 5, line 24, strike "Reissue Revised Statutes of Nebraska, 1943" and insert "Revised Statutes Supplement, 1991".

(Signed) Eric Will, Chairperson

MOTION - Place LB 78 on General File

Mrs. Labedz moved to place LB 78 on General File pursuant to Rule 3, Section 19(B).

Laid over.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1141. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to sales and use taxes; to amend sections 77-2702 and 77-2704, Revised Statutes Supplement, 1991; to exempt farm machinery and equipment from the sales and use tax as prescribed; to provide that the purchase of agricultural chemicals be subject to the sales tax as prescribed; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1142. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to ground water; to state intent; to define terms; to impose fees on pesticides and nitrogen fertilizers and soil conditioners distributed in Nebraska; and to create a fund and provide for use of the fund.

LEGISLATIVE BILL 1143. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to ground water; to amend sections 25-1062.01, 25-2159, 25-2160, 46-202, 46-204, 46-205, 46-229, 46-229.02, 46-229.03, 46-230, 46-231, 46-233, 46-234, and 46-635, Reissue Revised Statutes of Nebraska, 1943, section 46-295, Revised Statutes Supplement, 1990, and sections 25-1064 and 25-1920, Revised

Statutes Supplement, 1991; to state intent; to define and redefine terms; to require the Director of Water Resources to designate zones of administration; to provide for applications to appropriate naturally occurring ground water in the zones; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1144. Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-129, Revised Statutes Supplement, 1990, and sections 53-160 and 53-164.01, Revised Statutes Supplement, 1991; to provide for the payment of the state registration fee for certain licensed premises as prescribed; to provide that brewpubs pay a tax as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1145. Introduced by Rasmussen, 20.

A BILL FOR AN ACT relating to adoption; to provide for communication agreements; and to provide for court approval of such agreements.

LEGISLATIVE BILL 1146. Introduced by Rasmussen, 20.

A BILL FOR AN ACT relating to insurance; to adopt the Third-Party Administrator Act.

LEGISLATIVE BILL 1147. Introduced by Rasmussen, 20.

A BILL FOR AN ACT relating to juveniles; to amend sections 24-519, 43-278, and 43-2,107, Reissue Revised Statutes of Nebraska, 1943, and sections 43-272.01 and 43-285, Revised Statutes Supplement, 1990; to change provisions relating to appointment and duties of guardians ad litem; to provide and eliminate time limits for certain proceedings; to provide for telephonic hearings; to provide for a report; to provide a penalty; and to repeal the original sections.

LEGISLATIVE BILL 1148. Introduced by Labedz, 5.

A BILL FOR AN ACT relating to crimes and punishments; to amend sections 28-1213, 28-1214, 28-1219, 28-1227, 28-1229, 28-1231, 28-1232, 28-1233, 28-1234, 28-1235, 28-1236, 28-1237, 28-1238, 28-1239, 28-1239.01, and 28-1241, Reissue Revised Statutes of Nebraska, 1943, and section 28-101, Revised Statutes Supplement, 1991; to redefine terms; to provide for the crime of receiving, retaining, or disposing of stolen explosive material; to change provisions relating to required permits; to change fees; to change a provision relating to required records; to change exceptions as prescribed; to provide penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1149. Introduced by Hartnett, 45; Crosby, 29.

A BILL FOR AN ACT relating to economic development; to amend sections 81-1254 and 81-1255, Revised Statutes Supplement, 1990; to change provisions relating to the population of a county that may impose a tax and establish a County Visitors Improvement Fund; and to repeal the original sections.

UNANIMOUS CONSENT - Add Cointroducers

Mrs. Nelson asked unanimous consent to have her name added as cointroducer to LB 922. No objections. So ordered.

Mr. Cudaback asked unanimous consent to have his name added as cointroducer to LB 1104. No objections. So ordered.

VISITORS

Visitors to the Chamber were Kathleen Coash, Mrs. Nebraska; former Senator Harry Chronister from Schuyler; Blaine and Megan Hessee from Pueblo, Colorado and Lincoln; and John and Chris Powers from Elmwood.

ADJOURNMENT

At 4:30 p.m., on a motion by Mrs. Nelson, the Legislature adjourned until 9:00 a.m., Friday, January 17, 1992.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTH DAY - JANUARY 17, 1992

LEGISLATIVE JOURNAL

NINETY-SECOND LEGISLATURE
SECOND SESSION

EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 17, 1992

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Moul presiding.

PRAYER

The prayer was offered by Pastor R. D. Fowler, Bethel Baptist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. L. Johnson and Mrs. Rasmussen who were excused; and Messrs. Abboud, Ashford, Bernard-Stevens, Chambers, Haberman, Hall, Horgan, Lindsay, Morrissey, Warner, Mmes. Pirsch, Robak, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventh day was approved.

ANNOUNCEMENT

Mr. Chambers designates LB 922 as his priority bill.

RESOLUTION

LEGISLATIVE RESOLUTION 224. Introduced by Bernard-Stevens, 42.

WHEREAS, the Mock Trial program in Nebraska enables young people to learn first-hand about and obtain a better understanding of our judicial system; and

WHEREAS, Nebraska has ninety-six schools across the state that participate in the Mock Trial program; and

WHEREAS, the Mock Trial program is a worthwhile activity which teaches research and speaking skills and promotes self-esteem to all young people who participate; and

WHEREAS, the schools, mock trial teachers, and attorney-coaches put in enormous amounts of time and effort on behalf of the young people on the mock trial teams; and

WHEREAS, the North Platte Mock Trial Team won the state competition among eight teams who also earned their way to the state level of competition; and

WHEREAS, the North Platte Mock Trial Team consists of seven capable, skilled young women; and

WHEREAS, the North Platte Mock Trial Team, representing the State of Nebraska, is now eligible for the national competition in Madison, Wisconsin, to be held in May 1992.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature thanks the many people who participate in and volunteer their time to help Nebraska's young people learn through the Mock Trial program.
2. That the Legislature congratulates the North Platte Mock Trial Team for winning the state competition and wishes them well at the national competition.
3. That a copy of this resolution be sent to the North Platte Mock Trial Team, teacher-coach Kirk Livingston and attorney-coach Kent Turnbull.

Laid over.

NOTICE OF COMMITTEE HEARINGS
Education

LB 1045	Monday, January 27, 1992	1:30 p.m.
LB 1060	Monday, January 27, 1992	1:30 p.m.
LB 1086	Monday, January 27, 1992	1:30 p.m.

Governor Appointments Tuesday, January 28, 1992 1:15 p.m.
Coordinating Commission for Postsecondary Education

Norman Otto
Christine Peterson
Jane Renner Hood
Randolph Ferlic
Janice Carlson
Barbara Marcy
Eric Seacrest
Rudi Mitchell
Sheila Griffin
John Emery
Dick Davis

(Signed) Ron Withem, Chairperson

REPORT

Received Actuarial Valuation reports for Nebraska School Retirement System, Nebraska State Patrolmen's Retirement System, and Nebraska Judges' Retirement System from the Nebraska Public Employees Retirement Systems.

RESOLUTION

LEGISLATIVE RESOLUTION 223. Read. Considered.

LR 223 was adopted with 30 ayes, 0 nays, and 19 not voting.

MOTION - Suspend Rules

Mr. Kristensen renewed his pending motion, found in the Journal on page 344, to suspend Rule 3, Section 13 to cancel the confirmation hearing before the Transportation Committee for Allan Abbott, Director of the Department of Roads.

The Kristensen motion to suspend the rules prevailed with 30 ayes, 0 nays, 5 present and not voting, and 14 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 21. The pending Standing Committee amendment, AM0074, found in the Journal on page 491 and considered on page 617, First Session, 1991, was renewed.

The pending Beutler amendment, FA20, found in the Journal on page 610 and considered on page 617, First Session, 1991, was renewed.

Mr. Beutler withdrew his pending amendment, FA20.

Mr. Beutler offered the following amendment to the Standing Committee amendment:
FA228
1. strike all new language and restore all stricken language
2. add a new paragraph to read as follows:

A district with a special groundwater quality protection area may increase the levy authorized by sections 2-3225 and 46-674.20 by one half cents exclusively for use in the protection of groundwater provided, however, that the special levy authorized by this section is insufficient.

Messrs. Schmit, Hartnett, Horgan, Mmes. Labedz, and Nelson asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Lynch moved the previous question. The question is, "Shall the debate now close?" The motion lost with 10 ayes, 8 nays, and 31 not voting.

The Beutler amendment lost with 6 ayes, 13 nays, 20 present and not voting, and 10 excused and not voting.

The Standing Committee amendment was adopted with 25 ayes, 3 nays, 12 present and not voting, and 9 excused and not voting.

SPEAKER BAACK PRESIDING

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for review with 26 ayes, 2 nays, 12 present and not voting, and 9 excused and not voting.

NOTICE OF COMMITTEE HEARINGS
Transportation

LB 954	Monday, January 27, 1992	1:30 p.m.
LB 1096	Monday, January 27, 1992	1:30 p.m.
LB 1097	Monday, January 27, 1992	1:30 p.m.
LB 1091	Monday, January 27, 1992	1:30 p.m.

LB 1065	Monday, January 27, 1992	1:30 p.m.
LB 1067	Monday, January 27, 1992	1:30 p.m.
LB 1095	Tuesday, January 28, 1992	1:30 p.m.
LB 973	Tuesday, January 28, 1992	1:30 p.m.
LB 1050	Tuesday, January 28, 1992	1:30 p.m.
LB 958	Monday, February 3, 1992	1:30 p.m.
LB 979	Monday, February 3, 1992	1:30 p.m.
LB 980	Monday, February 3, 1992	1:30 p.m.

(Signed) Doug Kristensen, Chairperson

Judiciary

LB 999	Friday, January 24, 1992	1:30 p.m.
LB 1000	Friday, January 24, 1992	1:30 p.m.
LB 1041	Friday, January 24, 1992	1:30 p.m.

(Signed) Jerry Chizek, Chairperson

Banking, Commerce and Insurance

LB 904	Monday, January 27, 1992	1:30 p.m.
LB 1006	Monday, January 27, 1992	1:30 p.m.
LB 1113	Monday, January 27, 1992	1:30 p.m.

(Signed) David Landis, Chairperson

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of January 16, 1992. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Baird, Holm Law Offices	
Bredthauer, Trudy Saunders - Omaha	Omaha Public Schools
Cavanaugh, James P. - Omaha	Nebraska Workers Compensation Judges

Lombardi-Erickson/American Communications Group	
Lombardi, Richard A. - Lincoln	The Century Council
Moors, H. Jack - Lincoln	3M/Traffic Control Materials Division
Mueller, William J./Knudsen, Berkheimer, et al.	
Mueller, William J. - Lincoln	Concrete Industries, Inc.
O'Hara & Associates	
O'Hara, Paul V. - Lincoln	Friends of Higher Education
Richard, Dwayne - Lincoln	Car and Truck Renting and Leasing Association Cornhusker Food Retailers Association Nebraska Consumer Packaging Council Nebraska Glass Association Nebraska Retail Grocers Association Nebraska Retail Pharmacy Council
Ruth, Larry L./Knudsen, Berkheimer, et al.	
Ruth, Larry L. - Lincoln	Concrete Industries, Inc.
Settje, Dean - Lincoln	Nebraska Cattlemen, Inc.
Shaeffer, J. Murry - Lincoln	Nebraska Association of Correctional Employees (Withdrawn 01/16/92)
Strauss, Peter - Schaumburg, IL (Withdrawn 01/07/92)	Alliance of American Insurers
Thomas, Owen - Omaha (Withdrawn 01/07/92)	Integrated Marketing Services

RESOLUTION

LEGISLATIVE RESOLUTION 225. Introduced by Schellpeper, 18; Hefner, 19; Lamb, 43; Coordsen, 32.

PURPOSE:

WHEREAS, the Director of Agriculture has duties which can greatly effect and enhance the agriculture industry in the State of Nebraska; and

WHEREAS, the position of Director of Agriculture is elected in several other states; and

WHEREAS, the position of Director of Agriculture must be one of strength; and

WHEREAS, the position of Director of Agriculture must be one with strong ties to its constituency; and

WHEREAS, the position of Director of Agriculture may be made stronger and develop closer ties with its constituency if the position were an elected office rather than appointed office.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 631. Placed on General File as amended.
(Standing Committee amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM2375.)

LEGISLATIVE BILL 658. Placed on General File as amended.
Standing Committee amendment to LB 658:
AM2349

1. Strike original sections 1 to 3 and insert the following new sections:

"Section 1. That section 37-102, Revised Statutes Supplement, 1991, be amended to read as follows:

37-102. Sections 37-101 to 37-726 and 37-1401 to 37-1408 and section 2 of this act shall be known and may be cited as the Game Law.

Sec. 2. It is the intent of the Legislature to prevent the commercial exploitation of amphibians and reptiles native to Nebraska. No person shall buy, sell, barter, or export any dead or live amphibian or reptile or part thereof, native to Nebraska, taken in this state. No person shall possess more than six dead or alive individuals of any species of amphibian or reptile or part thereof, native to Nebraska, except as authorized by a permit issued pursuant to section 37-209 and rules and regulations adopted and promulgated by the Game and Parks Commission.

Nothing in this section shall restrict the possession of legally acquired game species or prohibit any municipal, state, or federal zoo, park, refuge, or wildlife area from buying, selling, bartering, exporting, or otherwise disposing of any surplus amphibian or reptile produced on any such zoo, park, refuge, or wildlife area. Nothing in this section shall prohibit the buying, selling, or possession of tiger salamanders or leopard frogs as authorized by a bait vendor's permit outlined in section 37-503 and rules and regulations of the commission.

Sec. 3. This act shall become operative on January 1, 1993.

Sec. 4. That original section 37-102, Revised Statutes Supplement, 1991, is repealed.".

(Signed) Rod Johnson, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1150. Introduced by Lamb, 43.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-503, 13-1108, 14-1821, 15-318, 15-319, 15-808, 16-702, 17-955, 17-957, 21-330, 21-17,126, 23-104, 23-320.07, 23-3501, 23-3502, 23-3515, 31-410.01, 31-411.02, 31-447, 31-773, 31-779, 32-4,114, 39-1518, 46-541, 46-542, 46-543, 46-544, 77-101, 77-398, 77-399, 77-3,100, 77-506, 77-507.01, 77-508, 77-604, 77-802, 77-908, 77-1201, 77-1209, 77-1209.02, 77-1209.03, 77-1211, 77-1212, 77-1219, 77-1229, 77-1229.01, 77-1233.02, 77-1233.04, 77-1236, 77-1239, 77-1240.01, 77-1241.01, 77-1248, 77-1315, 77-1338, 77-1342, 77-1502, 77-1602, 77-1603, 77-1605, 77-1605.01, 77-1613, 77-2363, 77-27,136, 77-27,139, 79-1052, 79-2210, and 79-2651.02, Reissue Revised Statutes of Nebraska, 1943, sections 79-2648 and 79-2650.09, Revised Statutes Supplement, 1990, and sections 77-112, 77-201, 77-202, 77-510, 77-1301.13, 77-1504, 77-1506.02, 77-2702 to 77-2704, 77-2734.17, 79-2203, 79-2636, 79-2637, 79-2644, 79-2651, 85-121.03, 85-1416, and 85-1418, Revised Statutes Supplement, 1991; to change references to actual values and valuation; to eliminate references to intangible property; to define terms; to change the manner of taxing personal property; to eliminate certain property tax exemptions and to provide exemptions; to provide for taxation of car companies; to eliminate the sales tax on farm machinery; to exempt farm machinery and equipment from the sales and use tax; to change provisions relating to fees and surcharges imposed on corporations; to change provisions relating to a collection fee; to eliminate the surcharge on depreciation; to reduce state aid to municipalities and counties; to repeal the taxing authority of community colleges; to harmonize provisions; to provide duties for the Revisor of Statutes; to provide operative dates; and to repeal the original sections, and also sections 77-103.01, 77-202.46, 77-202.47, 77-27,140, 77-1209.04, 77-1209.05, and 79-2650.03, Reissue Revised Statutes of Nebraska, 1943, sections 79-2649 and 79-2650, Revised Statutes Supplement, 1990, and sections 77-2716.02 and 79-2651.04 to 79-2651.06, Revised Statutes Supplement, 1991.

LEGISLATIVE BILL 1151. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-101 and 53-180.02, Revised Statutes Supplement, 1991; to prohibit consumption of alcoholic liquor by minors as prescribed; to provide for liability of a person who knowingly permits or fails to prevent the consumption of alcoholic liquor by a minor; to provide penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1152. Introduced by Moore, 24.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-111 and 60-302.01, Reissue Revised Statutes of Nebraska, 1943, section 60-107, Revised Statutes Supplement, 1990, and sections 60-106 and 77-2703, Revised Statutes Supplement, 1991; to require sales tax to be paid prior to obtaining a certificate of title; to require counties to participate in the vehicle titling and registration computer system; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1153. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to schools and school districts; to amend section 79-402.20, Revised Statutes Supplement, 1991; to change a provision relating to the dissolution and affiliation of affiliated Class I districts as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 1154. Introduced by Hillman, 48; Lynch, 13; Nelson, 35; Schrock, 39; Wickersham, 49.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-148 and 8-148.01, Reissue Revised Statutes of Nebraska, 1943; to allow banks to own stock or have other interests in community development corporations; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1155. Introduced by Hillman, 48; Lynch, 13; Nelson, 35; Schrock, 39; Wickersham, 49.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-463, 60-4,114, and 60-4,118, Revised Statutes Supplement, 1990, and section 60-462, Revised Statutes Supplement, 1991; to state intent; to establish the Health Advisory Board; to provide for a hearing and review of certain decisions of the Director of Motor Vehicles as prescribed; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1156. Introduced by Hillman, 48; Lynch, 13; Schrock, 39.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-4,115, 60-4,124, and 60-4,126, Revised Statutes Supplement, 1990, and section 60-4,123, Revised Statutes Supplement, 1991; to change the distribution of fees; to change fees for LPD-learner's, LPE-learner's, and school permits; to change the age for applicants for farm permits; and to repeal.the original sections.

PROPOSED RULES CHANGES

Mr. Withem asked unanimous consent to print the following amendments to the rules in the Journal. No objections. So ordered.

Rule 3, Section 2.

(b) After the selection of the Appropriations Committee pursuant to rule 3, section 2, (c) the ~~The~~ Committee on Committees, by a majority vote of all its members, shall recommend to the Legislature for its approval appointments to the remaining standing and select committees, each with the number of members as hereinafter set forth, unless otherwise provided for by rule or by statute.

Insert new subsection (c)

(c) The Executive Board shall convene and be responsible for selecting three members from each executive board district as noted in Rule 1, section 1, a. for appointment to the Appropriations Committee. The chairperson of the Appropriations Committee elected pursuant to Rule 3, section 7 shall be included in the three members chosen from that specific district.

Renumber remaining subsections.

(d) During session, all vacancies on standing or select committees created by the death or resignation of a member shall be filled by a majority vote of all members of the Committee on Committees unless it is a member of the Appropriations Committee whose vacancy shall be elected by the Executive Board pursuant to Rule 3, section 2, (c) unless otherwise provided for by rule or statute. A vacancy within the Committee on Committees shall be filled by a meeting of the caucus established pursuant to Rule 3, Section 2(a).

During the interim, all vacancies on standing or select committees created by the death or resignation of a member shall be filled by a majority vote of all members of the Executive Board.

Rule 3, Section 11:

Section 11. Temporary Appointments. (a) When a member is unable to serve, the chairperson of the committee, after a majority vote of the remaining members, shall request that such vacancy be filled by the Committee on Committees unless such vacancy is on the Appropriations Committee in which case the vacancy shall be filled by the Executive Board pursuant to Rule 3, section 2 (c)

(b) A temporary appointment may be made by the Chairperson of the Committee on Committees, or in the case of the Appropriations Committee, the Executive Board, for only one day when requested by a chairperson of a standing committee which lacks a quorum. When a member is appointed from an eight-member committee, the consent of the member to be appointed shall first be obtained. The temporary appointee shall have the right to vote only on the bill or bills that actually have been heard by the appointee and provided that the vote is taken on such bills on the day the bill or bills are heard. When such appointment is made in case of an incapacitated member, such appointee shall cease to be a member of such committee upon the return of the incapacitated member for whom he or she was appointed.

Referred to the Rules Committee.

Mr. Withem asked unanimous consent to print the following amendments to the rules in the Journal. No objections. So ordered.

Rule 3, Section 2.

(b) After the selection of the Appropriations Committee pursuant to rule 3, section 2 (c) the ~~The~~ Committee on Committees, by a majority vote of all its members, shall recommend to the Legislature for its approval appointments to the remaining standing and select committees, each with the number of members as hereinafter set forth, unless otherwise provided for by rule or by statute.

Insert new subsection (c)

(c) The Executive Board shall convene and be responsible for selecting three members from each executive board district as noted in Rule 1, section 1 (a) for appointment to the Appropriations Committee. The chairperson of the Appropriations Committee elected pursuant to Rule 3, section 7 shall serve in addition to the nine members selected by the Executive Board.

Renumber remaining sections

(d) During session, all vacancies on standing or select committees created by the death or resignation of a member shall be filled by a majority vote of all members of the Committee on Committees unless it is a member of the Appropriations Committee whose vacancy shall be elected by the Executive Board pursuant to Rule 3, section 2 (c) unless otherwise provided for by rule or statute. A vacancy within the Committee on Committees shall be filled by a meeting of the caucus established pursuant to Rule 3, Section 2(a).

During the interim, all vacancies on standing or select committees created by the death or resignation or a member shall be filled by a majority vote of all members of the Executive Board. Rule 3, section 3, (a) as follows:

Rule 3, Section 3:

Section 3. Standing Committees. (a) The standing committees of the Legislature shall be as follows:

Agriculture	8 members
Appropriations	10 ~~9~~ members
Banking, Commerce, and Insurance	8 members
Business and Labor	7 members
Education	8 members
General Affairs	8 members
Government, Military and Veterans Affairs	8 members

Health and Human Services	7 members
Judiciary	8 members
Natural Resources	8 members
Nebraska Retirement Systems	6 members
Revenue	8 members
Transportation	8 members
Urban Affairs	7 members

Repeal and replace with Rule 3, Section 3, (b) as follows:

(b) The Speaker shall not be exempt from sitting on a standing committee or committees in the same manner as other members of the Legislature.

Rule 3, Section 11:

Section 11. Temporary Appointments. (a) When a member is unable to serve, the chairperson of the committee, after a majority vote of the remaining members, shall request that such vacancy be filled by the Committee on Committees unless such vacancy is on the Appropriations Committee in which case the vacancy shall be filled by the Executive Board pursuant to Rule 3, section 2, c.

(b) A temporary appointment may be made by the Chairperson of the Committee on Committees or in the case of the Appropriations Committee, the Executive Board, for only one day when requested by a chairperson of a standing committee which lacks a quorum. When a member is appointed from an eight-member committee, the consent of the member to be appointed shall first be obtained. The temporary appointee shall have the right to vote only on the bill or bills that actually have been heard by the appointee and provided that the vote is taken on such bills on the day the bill or bills are heard. When such appointment is made in case of an incapacitated member, such appointee shall cease to be a member of such committee upon the return of the incapacitated member for whom he or she was appointed.

Referred to the Rules Committee.

Mr. Withem asked unanimous consent to print the following amendments to the rules in the Journal. No objections. So ordered.

Rule 3, Section 2.

Strike subsection (a)

(a) The Speaker ~~Committee on Committees, by a majority vote of all its members,~~ shall recommend to the Legislature for its approval appointments to the standing and select committees, each with the number of members as hereinafter set forth, unless otherwise provided for by rule or by statute.

Renumber remaining subsections:

(d) During session, all vacancies on standing or select committees created by the death or resignation of a member shall be filled by selection of the Speaker ~~a majority vote of all members of the Committee on Committees~~ unless otherwise provided for by rule or statute. ~~A vacancy within the Committee on Committees shall be filled by a meeting of the caucus established pursuant to Rule 3, Section 2(a).~~

During the interim, all vacancies on standing or select committees created by the death or resignation of a member shall be filled by selection of the Speaker. ~~a majority vote of all members of the Executive Board.~~

Rule 3, Section 4:

Section 4. Select Committees. (a) The select committees of the Legislature shall be as follows:

~~Committee on Committees~~	~~13 members~~
Enrollment and Review	1 member
Reference	9 members
Rules	5 members

Strike (c)

Insert new sections:

Rule 1, Section 17:

The Speaker shall have authority to call before it a committee chairperson and discuss the workload of said committee. The Speaker It shall hear and dispose of all written complaints filed with said committee by a senator against any committee chairperson. The Speaker shall conduct said hearing in accordance with its own Committee rules.

Renumber remaining sections.

Amend Rule 3, Section 11.

Section 11. Temporary Appointments. (a) When a member is unable to serve, the chairperson of the committee, after a majority vote of the remaining members, shall request that such vacancy be filled by the Speaker ~~Committee on Committees~~ unless such vacancy is on the Appropriations Committee who shall be selected by the Executive Board pursuant to Rule 3, section 2 (c)

(b) A temporary appointment may be made by the Speaker ~~Chairperson of the Committee on Committees~~ or in the case of the Appropriations Committee, the Executive Board for only one day when requested by a chairperson of a standing committee which lacks a quorum. When a member is appointed from an eight-member committee, the consent of the member to be appointed shall first be obtained. The temporary appointee shall have the right to vote only on the bill or bills that actually have been heard by the appointee and provided that the vote is taken on such bills on the day the bill or bills are heard. When such appointment is made in case of an incapacitated member, such appointee shall cease to be a member of such committee upon the return of the incapacitated member for whom he or she was appointed.

Referred to the Rules Committee.

PRESIDENT MOUL PRESIDING

GENERAL FILE

LEGISLATIVE BILL 677. Title read. Considered.

Standing Committee amendment, AM0462, printed separately from the Journal and referred to on page 920, First Session, 1991, lost with 0 ayes, 21 nays, 19 present and not voting, and 9 excused and not voting.

Mr. Wesely renewed his pending amendment, AM2332, printed separately from the Journal and referred to on page 343.

Ms. Schimek asked unanimous consent to be excused until she returns. No objections. So ordered.

The Wesely amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 191. Title read. Considered.

Standing Committee amendment, AM0171, found in the Journal on page 628, First Session, 1991, was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Messrs. Peterson and Beutler asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for review with 26 ayes, 1 nay, 13 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 823. Title read. Considered.

Standing Committee amendment, AM0218, found in the Journal on page 735, First Session, 1991, was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Mr. Lynch renewed his pending amendment, AM2424, found in the Journal on page 340.

The Lynch amendment was adopted with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 823A. Title read. Considered.

Mr. Lynch offered the following amendment:
AM2426

1. On page 2, line 3, strike "FY1991-92" and insert "FY1992-93"; in line 4 strike "FY1992-93" and insert "FY1993-94"; and in line 7 strike "First Session, 1991" and insert "Second Session, 1992".

The Lynch amendment was adopted with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 406. Placed on Select File as amended.
E & R amendment to LB 406:
AM5194

1. On page 1, line 2, strike the first comma and insert "and" and strike "and 81-1532,"; in line 3 after "1943" insert ", and section 81-1532, Revised Statutes Supplement, 1991" and after "define" insert "and redefine"; in line 5 strike "importers," and insert "transporters and" and strike ", and"; in line 6 strike "disposal facilities"; and in line 7 after "for" insert "disposal facilities and".

LEGISLATIVE BILL 406A. Placed on Select File as amended.
E & R amendment to LB 406A:
AM5195

1. On page 1, line 4; and page 2, line 6, strike "First Session, 1991" and insert "Second Session, 1992".

2. On page 2, lines 2 and 9, strike "FY1991-92" and insert "FY1992-93"; and in lines 3 and 10 strike "FY1992-93" and insert "FY1993-94".

LEGISLATIVE BILL 543. Placed on Select File as amended.
E & R amendment to LB 543:
AM5196

1. In the Nelson amendment, AM2335, on page 2, line 6, strike "which shall be" and show as stricken.

2. Because of the amendment of section 84-1319 by Laws 1991, LB 549, section 70, strike original sections 1 and 2 and all amendments thereto and insert the following new sections:

"Sec. 2. That section 84-1319, Revised Statutes Supplement, 1991, be amended to read as follows:

84-1319. (1) The future service retirement benefit shall be an annuity, payable monthly with the first payment made as of the retirement date, which shall be the actuarial equivalent of the retirement value based on factors determined by the board, except that gender shall not be a factor when determining the amount of such payments~~;~~ except as provided in this section.

At any time before the retirement date, the retiring employee may choose to receive his or her annuity either in the form of a straight life annuity or any optional form that is determined acceptable by the board.

In lieu of the future service retirement annuity, a retiring employee may, upon application to the board, receive a benefit not to exceed the amount in his or her ~~employee account~~ employer and employee accounts payable in a lump sum and, if the employee chooses not to receive the entire amount in such accounts, an annuity ~~which shall be~~ equal to the actuarial equivalent of the remainder of the retirement value, and the employee may choose any form of such annuity as provided for by the board.

In any case, the amount of the monthly payment shall be such that the annuity chosen shall be the actuarial equivalent of the retirement value~~;~~ except as provided in this section.

The board shall provide to any state employee who is eligible for retirement, prior to his or her selecting any of the retirement options provided by this section, information on the federal and state income tax consequences of the various annuity or retirement benefit options.

(2) The monthly annuity income payable to a member retiring on or after January 1, 1984, shall be as follows:

He or she shall receive at retirement the amount which may be purchased by the accumulated contributions based on annuity rates in effect on the date of purchase which do not utilize gender as a factor, except that such amounts shall not be less than the retirement income which can be provided by the sum of the amounts derived pursuant to subdivisions (a) and (b) of this subsection as follows:

(a) The income provided by the accumulated contributions made prior to January 1, 1984, based on male annuity purchase rates in effect on the date of purchase; and

(b) The income provided by the accumulated contributions made on and after January 1, 1984, based on the annuity purchase rates in effect on the date of purchase which do not use gender as a factor.

(3) Any amounts, in excess of contributions, which may be required in order to purchase the retirement income specified in subsection (2) of this section shall be withdrawn from the State Equal Retirement Benefit Fund.

(4) Retirement benefits for persons who retire prior to January 1, 1984, shall not be affected by changes to this section which become operative on or after January 1, 1984.

(5) At the option of the retiring member, any annuity provided under this section or section 84-1320 may be deferred to commence at any time, except that no benefit shall be deferred later than the sixtieth day after the end of the year in which the employee has both attained at least seventy and one-half years of age and has terminated his or her employment with the state. Such election by the retiring member may be made at any time prior to the commencement of the annuity payments. Such deferred annuity shall be the actuarial equivalent, based on factors designated by the board, of the retirement value~~,~~ or of the prior service annuity for an annuity provided under section 84-1320.

Sec. 3. That original section 23-2317, Reissue Revised Statutes of Nebraska, 1943, and section 84-1319, Revised Statutes Supplement, 1991, are repealed.".

3. On page 1, line 2, strike "84-1319" and insert "23-2317"; in line 3 after "1943" insert ", and section 84-1319, Revised Statutes Supplement, 1991"; in line 4 after "for" insert "county and"; and in line 5 strike "section" and insert "sections".

(Signed) Eric Will, Chairperson

STANDING COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 103. Indefinitely postponed.
LEGISLATIVE BILL 295. Indefinitely postponed.
LEGISLATIVE BILL 396. Indefinitely postponed.
LEGISLATIVE BILL 438. Indefinitely postponed.
LEGISLATIVE BILL 442. Indefinitely postponed.
LEGISLATIVE BILL 620. Indefinitely postponed.
LEGISLATIVE BILL 801. Indefinitely postponed.
LEGISLATIVE BILL 815. Indefinitely postponed.

(Signed) Jerry Chizek, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 226. Introduced by Warner, 25.

WHEREAS, Lee Thurber of Roca, Nebraska, a graduate of Norris High School and currently a sophomore at the University of Nebraska-Lincoln, has been selected as the national president of the Future Farmers of America; and

WHEREAS, the Future Farmers of America is a national organization which provides leadership and development for students enrolled in secondary education who are interested in careers in agriculture or in agricultural related businesses; and

WHEREAS, Lee is the third national president of the Future Farmers of America from Nebraska in the last five years and the sixth national officer for the Future Farmers of America from Nebraska since 1984, indicating national regard for students produced by Nebraska schools and communities; and

WHEREAS, in his duties as president, Lee will be representing Nebraska and the Future Farmers of America across the country.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That Lee Thurber be congratulated for being selected as national president of the Future Farmers of America.
2. That a copy of this resolution be sent to Lee Thurber.

Laid over.

NOTICE OF COMMITTEE HEARING

General Affairs

LB 929	Monday, January 27, 1992	2:00 p.m.
LB 1061	Monday, January 27, 1992	2:00 p.m.
LB 1128	Monday, January 27, 1992	2:00 p.m.
LB 1129	Monday, January 27, 1992	2:00 p.m.

(Signed) Stan Schellpeper, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 1123 through 1149 and legislative resolution 222.

LB	Committee
1123	Revenue
1124	Education
1125	Education
1126	Business and Labor
1127	Judiciary
1128	General Affairs
1129	General Affairs
1130	General Affairs
1131	General Affairs
1132	Education
1133	Government, Military and Veterans Affairs
1134	Government, Military and Veterans Affairs
1135	Revenue
1136	Business and Labor
1137	General Affairs
1138	Health and Human Services
1139	Natural Resources
1140	Government, Military and Veterans Affairs
1141	Revenue
1142	Natural Resources
1143	Natural Resources
1144	General Affairs
1145	Judiciary
1146	Banking, Commerce and Insurance
1147	Judiciary
1148	Judiciary
1149	Revenue

LR	Committee
222	Judiciary

(Signed) Jerome Warner, Chairperson
Legislative Council
Executive Board

GENERAL FILE

LEGISLATIVE BILL 542. Title read. Considered.

Standing Committee amendment, AM0248, found in the Journal on page 628, First Session, 1991, was adopted with 26 ayes, 3 nays, 14 present and not voting, and 6 excused and not voting.

Mrs. Labedz, Messrs. Cudaback, and Ashford asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Hefner and Ms. Schimek renewed their pending amendment, AM0612, found in the Journal on page 1003, First Session, 1991.

Messrs. Rogers, Will, and Withem asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Lynch asked unanimous consent to be excused. No objections. So ordered.

Mrs. Robak moved the previous question. The question is, "Shall the debate now close?" The motion lost with 10 ayes, 7 nays, and 32 not voting.

Mrs. Nelson offered the following amendment to the pending Hefner-Schimek amendment:
FA229

On line 10, page 1, strike the new language and insert, "Nebraska Department of Education."

On line 12, page 1, strike the new language through the period in line 16.

On line 19, page 1, strike the language beginning with "There" through the period in line 4 on page 2.

SPEAKER BAACK PRESIDING

Mrs. Robak moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

PRESIDENT MOUL PRESIDING

The Nelson amendment lost with 5 ayes, 16 nays, 15 present and not voting, and 13 excused and not voting.

Mr. Hefner moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The pending Hefner-Schimek amendment was adopted with 25 ayes, 5 nays, 6 present and not voting, and 13 excused and not voting.

The Chair declared the call raised.

Mr. R. Johnson asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 28 ayes, 3 nays, 4 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 411. Title read. Considered.

Standing Committee amendment, AM0272, found in the Journal on page 655, First Session, 1991, was considered.

Mr. Hefner renewed his pending amendment, AM2370, found in the Journal on page 343, to the Standing Committee amendment.

The Hefner amendment was adopted with 22 ayes, 0 nays, 14 present and not voting, and 13 excused and not voting.

Mrs. Robak asked unanimous consent to be excused. No objections. So ordered.

Ms. Schimek asked unanimous consent to be excused until she returns. No objections. So ordered.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

Mr. Byars moved to indefinitely postpone LB 411.

Laid over.

NOTICE OF COMMITTEE HEARINGS

Agriculture

LB 971	Tuesday, January 28, 1992	1:30 p.m.
LB 1011	Tuesday, January 28, 1992	1:30 p.m.
LB 1024	Tuesday, February 18, 1992	1:30 p.m.

(Signed) Carson Rogers, Chairperson

Nebraska Retirement Systems

Governor Appointments Nebraska Retirement Systems Board Alcurtis Robinson William Lindsay	Tuesday, January 28, 1992	Noon
LB 1001	Tuesday, January 28, 1992	Noon
LB 934	Thursday, January 30, 1992	Noon

(Signed) Arlene Nelson, Chairperson

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 27. Placed on Select File.

LEGISLATIVE BILL 269. Placed on Select File as amended.
E & R amendment to LB 269:
AM5197

1. In the Haberman amendment, AM2379, on page 3, line 5, after the first period insert: "5. Renumber the remaining section accordingly."; and in line 10 strike "section" and insert "amendments".

2. On page 1, line 2, strike "section 45-338" and insert "sections 45-338 and 45-342"; and in line 5 strike "a nonrefundable" and insert "an" and after the semicolon insert "to harmonize provisions;".

LEGISLATIVE BILL 816. Placed on Select File as amended.
E & R amendment to LB 816:
AM5198

1. On page 8, line 14, strike "legal", show as stricken, and insert "committed".

2. On page 11, line 9, strike "writ", show as stricken, and insert "warrant or detainer".

(Signed) Eric Will, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 227CA. Introduced by Moore, 24.

A resolution to propose amending the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the primary election on May 12, 1992, there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska to amend Article VIII, sections 1 and 2:

CVIII-1 "The necessary revenue of the state and its governmental subdivisions shall be raised by taxation in such manner as the Legislature may direct. Taxes shall be levied by valuation uniformly and proportionately upon all tangible property and franchises~~, except that~~ with the following exceptions: (1) The Legislature shall exempt all tangible personal property from taxation except for motor vehicles, railroad operating property, public service property, and airline flight equipment; (2) the Legislature may provide that railroad operating property, public service property, and airline flight equipment, as defined by the Legislature, shall constitute a separate and distinct class of property for purposes of taxation and may provide a different method of taxing such property which results in taxable values which are not uniform and proportionate with all other tangible property and franchises but which results in taxable values that are uniform and proportionate upon all such property within the class; (3) the Legislature may provide for a different method of taxing motor vehicles and may also establish a separate class of motor vehicles consisting of those owned and held for resale by motor vehicle dealers which shall be taxed in the manner and to the extent provided by the Legislature and may also establish a separate class for trucks, trailers, semitrailers, truck-tractors, or combinations thereof, consisting of those owned by residents and nonresidents of this state, and operating in interstate commerce, and may provide reciprocal and proportionate taxation of such vehicles; PROVIDED, that such tax proceeds from motor vehicles taxed in each county shall be allocated to the ~~state,~~ counties, townships, cities, villages, and school districts of such county in the same proportion that the levy of each bears to the total levy of the county on ~~personal tangible~~ taxable property; and ~~(2)~~ (4) the Legislature may provide that agricultural land and horticultural land, as defined by the Legislature, shall constitute a separate and distinct class of property for purposes of taxation and may provide for a different method of taxing agricultural land and horticultural land which results in values that are not uniform and proportionate with all other tangible property and franchises but which results in values that are uniform and proportionate upon all property within the class of agricultural land and horticultural land. The Legislature may enact laws to provide that the value of land actively devoted to agricultural or horticultural use shall for property tax purposes be that value which such land has for agricultural or horticultural use without regard to any value which such land might have for other purposes or uses and may prescribe standards and methods for the determination of the value of real or other tangible property at uniform and proportionate values. Taxes uniform as to class of property or the ownership or use thereof may be levied by valuation or otherwise upon classes of intangible property as the Legislature may determine, and such intangible property held in trust or otherwise for the purpose of funding pension, profit-sharing, or other employee benefit plans as defined by the Legislature may be declared exempt from taxation. Taxes other than property taxes may be authorized by law. Existing revenue laws shall continue in effect until changed by the Legislature. The Legislature may provide that livestock shall constitute a separate and distinct class of property for purposes of taxation and may further provide for reciprocal and proportionate taxation of livestock located in this state for only part of a year."

CVIII-2 "The property of the state and its governmental subdivisions shall be exempt from taxation. The Legislature by general law may exempt property owned by and used exclusively for agricultural and horticultural societies, and property owned and used exclusively for educational, religious, charitable, or cemetery purposes, when such property is not owned or used for financial gain or profit to either the owner or user. ~~Household goods and personal effects, as defined by law,~~

~~may be exempted from taxation in whole or in part, as may be provided by general law, and the Legislature may prescribe a formula for the determination of value of household goods and personal effects.~~ The Legislature by general law may provide that the increased value of land by reason of shade or ornamental trees planted along the highway shall not be taken into account in the assessment of such land. The Legislature by general law and upon any terms, conditions, and restrictions it prescribes, may provide that the increased value of real property resulting from improvements designed primarily for energy conservation may be exempt from taxation. The value of a home substantially contributed by the ~~Veterans' Administration of the~~ United States Department of Veterans Affairs for a paraplegic veteran or multiple amputee shall be exempt from taxation during the life of such veteran or until the death or remarriage of his ~~widow~~ or her ~~remarriage~~ surviving spouse. The Legislature may exempt from an intangible property tax life insurance and life insurance annuity contracts and any payment connected therewith and any right to pension or retirement payments. ~~The Legislature may classify personal property in such manner as it sees fit, and may exempt any of such classes, or may exempt all personal property from taxation.~~ No property shall be exempt from taxation except as provided in the Constitution. The Legislature may by general law provide that a portion of the value of any residence actually occupied as a homestead by any classification of owners as determined by the Legislature shall be exempt from taxation.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

> "A constitutional amendment to exempt all tangible personal property from taxation except for motor vehicles, railroad operating property, public service property, and airline flight equipment, and to allow the Legislature to provide for a different method of taxation of railroad operating property, public service property, and airline flight equipment.
> For
> Against".

Referred to the Reference Committee.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1157. Introduced by Moore, 24.

A BILL FOR AN ACT relating to the Local Option Revenue Act; to amend sections 77-27,142, 77-27,143, 77-27,145, and 77-27,146, Reissue Revised Statutes of Nebraska, 1943; to require municipalities to impose a sales and use tax as prescribed; to eliminate provisions relating to the holding of elections as prescribed; to eliminate certain duties of municipalities; to harmonize provisions; to repeal the original sections and also sections 77-27,142.01 to 77-27,142.05, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 1158. Introduced by Moore, 24.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Reissue Revised Statutes of Nebraska, 1943, and sections 77-2701 and 77-2704, Revised Statutes Supplement, 1991; to provide for a sales tax on food; to provide for an income tax credit or refund; to provide duties for the Department of Revenue; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1159. Introduced by Moore, 24.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701.01, Reissue Revised Statutes of Nebraska, 1943, and section 77-2701, Revised Statutes Supplement, 1991; to provide for an increase in the rate of income tax; to provide a duty for the Legislative Fiscal Analyst; to provide for the increase in tax to be distributed to the counties as prescribed; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1160. Introduced by Moore, 24.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701.01 and 77-2701.02, Reissue Revised Statutes of Nebraska, 1943, and section 77-2701, Revised Statutes Supplement, 1991; to change the rates of income and sales tax; to provide for distribution of the increase in such taxes as prescribed; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1161. Introduced by Moore, 24.

A BILL FOR AN ACT relating to sales and use taxes; to amend sections 77-2703 and 77-2708, Revised Statutes Supplement, 1991; to change provisions relating to the collection of the tax; and to repeal the original sections.

LEGISLATIVE BILL 1162. Introduced by Moore, 24.

A BILL FOR AN ACT relating to income taxation; to amend section 77-2716.02, Revised Statutes Supplement, 1991; to change and eliminate provisions on the surcharge on depreciation; to provide for the distribution of funds; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1163. Introduced by Beutler, 28; Ashford, 6.

A BILL FOR AN ACT relating to fiduciaries; to amend section 30-3205, Reissue Revised Statutes of Nebraska, 1943; to provide for investments in investment companies or investment trusts as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1164. Introduced by Hall, 7.

A BILL FOR AN ACT relating to property taxation; to adopt the Property Tax Full Disclosure Act; and to declare an emergency.

LEGISLATIVE BILL 1165. Introduced by Conway, 17.

A BILL FOR AN ACT relating to the Nebraska Budget Act; to amend sections 13-501, 13-503, 13-504, 13-508, 23-902, 23-903, and 23-920, Reissue Revised Statutes of Nebraska, 1943; to define and redefine terms; to exempt governing bodies from cash reserve limitations as prescribed; to require filing of certified copies of budget statements with the Auditor of Public Accounts; to change a tax delinquency allowance; to provide for failure to make an appropriation; to provide a penalty for violations of the act; to eliminate and transfer provisions relating to county budgets; to harmonize provisions; and to repeal the original sections, and also sections 23-915 and 23-919, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1166. Introduced by Wehrbein, 2; Hall, 7.

A BILL FOR AN ACT relating to public buildings; to amend section 72-801, Reissue Revised Statutes of Nebraska, 1943; to permit leasing of certain school facilities as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1167. Introduced by Bohlke, 33; Schimek, 27.

A BILL FOR AN ACT relating to cities and villages; to limit the control of cities of the primary class, first class, or second class and villages over public buildings owned or controlled by other public agencies as prescribed.

LEGISLATIVE BILL 1168. Introduced by R. Johnson, 34.

A BILL FOR AN ACT relating to cities and villages; to eliminate a provision authorizing use of municipal employees and equipment for street improvement and repair; and to repeal section 19-1313, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1169. Introduced by Lynch, 13; Abboud, 12; Ashford, 6; Bernard-Stevens, 42; Beyer, 3; Bohlke, 33; Byars, 30; Chizek, 31; Conway, 17; Coordsen, 32; Crosby, 29; Cudaback, 36; Hall, 7; Hartnett, 45; Hefner, 19; Hillman, 48; Horgan, 4; Labedz, 5; Lindsay, 9; Morrissey, 1; Peterson, 21; Robinson, 16; Rogers, 41; Schellpeper, 18; Schimek, 27; Schmit, 23; Wickersham, 49; Will, 8; Withem, 14.

A BILL FOR AN ACT relating to developmental disabilities services; to amend section 83-1216, Revised Statutes Supplement, 1991; to require legislative approval for implementation of a system of service coordination for persons with developmental disabilities and their families; and to repeal the original section.

LEGISLATIVE BILL 1170. Introduced by Wehrbein, 2; Byars, 30; Moore, 24; Morrissey, 1; Schmit, 23; Schrock, 39; Withem, 14.

A BILL FOR AN ACT relating to fuel; to amend sections 66-1301, 66-1303, 66-1307 to 66-1307.02, 66-1320, 66-1324, and 66-1326, Reissue Revised Statutes of Nebraska, 1943, and sections 66-489, 66-499, 66-4,105, 66-4,141, 66-605, 66-605.06, and 66-605.07, Revised Statutes Supplement, 1991; to increase and earmark fuel taxes; to eliminate a definition and an adjustment to motor vehicle fuel tax; to limit investments by the Ethanol Authority and Development Board; to change funding provisions for and to provide production credits; to create a fund; to harmonize provisions; to provide an operative date; to repeal the original sections, and also section 66-4,142, Revised Statutes Supplement, 1991; and to declare an emergency.

LEGISLATIVE BILL 1171. Introduced by Abboud, 12.

A BILL FOR AN ACT relating to fire and lightning insurance policies; to amend section 44-501, Revised Statutes Supplement, 1990; to eliminate an adoption by reference of a statute of limitations; to provide for applicability of a statute of limitations; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1172. Introduced by Wickersham, 49; Bernard-Stevens, 42; Conway, 17.

A BILL FOR AN ACT relating to railroads; to adopt the Railroad Safety Act.

LEGISLATIVE BILL 1173. Introduced by R. Johnson, 34; Hall, 7; Will, 8.

A BILL FOR AN ACT relating to the Nebraska Veterinary Practice Act; to amend section 71-1,154, Reissue Revised Statutes of Nebraska, 1943; to redefine the term veterinary medicine and surgery; and to repeal the original section.

REPORT

Received quarterly audit reports from the Auditor of Public Accounts for the following: Department of Health, Department of Social Services, State Treasurer of Nebraska, Nebraska Beef Industry Development Board, Nebraska Department of Labor, Nebraska Department of Roads, Nebraska Department of Labor JTPA, Department of Environmental Control Projected Revenue Report, and Statement of Federal Land Payments.

UNANIMOUS CONSENT - Add Cointroducers

Messrs. Beutler, Cudaback, Hefner, L. Johnson, Lamb, Moore, Peterson, Schmit, Schrock, Warner, Wesely, Wickersham, and Mrs. Labedz asked unanimous consent to have their names added as cointroducers to LR 223. No objections. So ordered.

VISITORS

Visitors to the Chamber were Deb Houghtaling and Fred Uhe; Mr. and Mrs. Henry Schulze from Tilden; Don Kreikemeier from West Point; and Christy Meger and children from Fremont.

The Doctor of the Day was Paul Paulman from Omaha.

ADJOURNMENT

At 1:50 p.m., on a motion by Speaker Baack, the Legislature adjourned until 9:00 a.m., Tuesday, January 21, 1992.

Patrick J. O'Donnell
Clerk of the Legislature

NINTH DAY - JANUARY 21, 1992

LEGISLATIVE JOURNAL

NINETY-SECOND LEGISLATURE
SECOND SESSION

NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 21, 1992

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Baack presiding.

PRAYER

The prayer was offered by Pastor Thomas Saddler, Christ Temple Mission Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. L. Johnson who was excused; and Messrs. Abboud, Ashford, Beutler, Conway, Haberman, Hall, R. Johnson, Landis, Lindsay, Lynch, Schmit, Warner, Wesely, Will, Mmes. Labedz, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighth day was approved.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 223.

RESOLUTION

LEGISLATIVE RESOLUTION 224. Read. Considered.

LR 224 was adopted with 26 ayes, 0 nays, and 23 not voting.

GENERAL FILE

LEGISLATIVE BILL 336. Considered.

Mr. Bernard-Stevens renewed his pending motion, found in the Journal on page 913, First Session, 1991, to indefinitely postpone LB 336.

Mr. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Byars moved the previous question. The question is, "Shall the debate now close?"

Mr. Byars moved for a call of the house. The motion prevailed with 19 ayes, 1 nay, and 29 not voting.

Mr. Byars requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 34:

Beutler
Beyer
Bohlke
Byars
Coordsen
Cudaback
Dierks
Elmer
Haberman
Hefner
Hillman
Horgan
Johnson, R.
Kristensen
Labedz
Lamb
Landis
Lindsay
Moore
Morrissey
Nelson
Pirsch
Rasmussen
Robak
Robinson
Rogers
Schellpeper
Schimek
Schrock
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 2:

Chambers
Crosby

Present and not voting, 5:

Baack
Bernard-Stevens
Chizek
Conway
Hartnett

Excused and not voting, 8:

Abboud
Ashford
Hall
Johnson, L.
Lynch

Peterson	Schmit	Warner

The motion to cease debate prevailed with 34 ayes, 2 nays, 5 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

The Bernard-Stevens motion to indefinitely postpone lost with 16 ayes, 22 nays, 3 present and not voting, and 8 excused and not voting.

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 228. Introduced by Schrock, 39.

WHEREAS, Blake Johnson was named the American Star Farmer by the National FFA, that organization's highest award; and

WHEREAS, Blake Johnson owns and operates his own farm and ranch and was selected for this honor based upon his knowledge of the enterprise, the return on investment, the management skills used, and the program growth; and

WHEREAS, the Legislature should recognize the entrepreneurial achievements of Blake Johnson.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That Blake Johnson be congratulated for winning the American Star Farmer award.
2. That a copy of this resolution be sent to Blake Johnson.

Laid over.

NOTICE OF COMMITTEE HEARINGS
Nebraska Retirement Systems

LB 1040	Tuesday, February 4, 1992	Noon
LB 1057	Thursday, February 6, 1992	Noon
LB 1108	Tuesday, February 11, 1992	Noon
LB 886	Thursday, February 13, 1992	Noon

(Signed) Arlene Nelson, Chairperson

Education

LB 1124	Tuesday, January 28, 1992	1:30 p.m.
LB 1125	Tuesday, January 28, 1992	1:30 p.m.
LB 922	Tuesday, January 28, 1992	1:30 p.m.

(Signed) Ron Withem, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Kristensen asked unanimous consent to print the following amendment to LB 523 in the Journal. No objections. So ordered.

AM2430

(Amendments to AM2343)

1. Strike section 14.

2. On page 1, line 4, strike "16" and insert "15"; and in line 20 after the comma insert "incest as provided in section 28-703,".

3. On page 12, lines 1 and 2, strike "or section 14 of this act"; and strike beginning with "Except" in line 3 through "each" in line 4 and insert "Each".

4. Renumber the remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 336. Mrs. Nelson offered the following amendment:
FA230

On page 15, line 7, strike "nearest highway" and insert "most direct route".

On page 15, line 10, after "metropolitan" insert "or".

On page 15, line 11, after "primary" insert "class" and strike "or first class".

On page 15, line 12 after "metropolitan" insert "or" and after "primary" insert "class" and strike "or first class".

MR. CONWAY PRESIDING

The Nelson amendment lost with 2 ayes, 15 nays, 26 present and not voting, and 6 excused and not voting.

Mr. Moore renewed his pending amendment, AM0542, found in the Journal on page 915, First Session, 1991.

SPEAKER BAACK PRESIDING

Mrs. Rasmussen asked unanimous consent to be excused. No objections. So ordered.

Mr. Moore requested a record vote on his amendment.

Voting in the affirmative, 10:

Bernard-Stevens
Hartnett
Hefner
Lamb
Lindsay
Moore
Morrissey
Robak
Schellpeper
Schimek

Voting in the negative, 14:

Bohlke
Byars
Cudaback
Haberman
Hillman
Horgan
Kristensen
Pirsch
Robinson
Rogers
Schrock
Warner
Wehrbein
Will

Present and not voting, 18:

Baack
Beutler
Beyer
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Johnson, R.
Labedz
Landis
Lynch
Nelson
Wesely
Wickersham
Withem

Excused and not voting, 7:

Abboud
Ashford
Hall
Johnson, L.
Peterson
Rasmussen
Schmit

The Moore amendment lost with 10 ayes, 14 nays, 18 present and not voting, and 7 excused and not voting.

Mr. Moore withdrew his pending amendment, AM0559, found in the Journal on page 916, First Session, 1991.

Mrs. Robak renewed her pending amendment, AM1494, found in the Journal on page 1844, First Session, 1991.

The Robak amendment lost with 3 ayes, 21 nays, 18 present and not voting, and 7 excused and not voting.

Mr. Beutler offered the following amendment:
FA231
Add the following new section:
"No school district offering an approved driver safety course shall offer such course for credit towards graduation"

Mr. Withem requested a ruling of the Chair on whether the Beutler amendment is germane to the bill.

Mr. Withem withdrew his request of a ruling of the Chair on the Beutler amendment.

The Beutler amendment lost with 6 ayes, 13 nays, 24 present and not voting, and 6 excused and not voting.

Mr. Kristensen moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Mr. Moore requested a record vote on the advancement of the bill.

Voting in the affirmative, 25:

Ashford
Beyer
Bohlke
Byars
Chizek
Conway
Coordsen
Crosby
Cudaback
Dierks
Elmer
Hefner
Hillman
Horgan
Kristensen
Labedz
Lynch
Nelson
Pirsch
Robinson
Schrock
Warner
Wehrbein
Wesely
Wickersham

Voting in the negative, 18:

Abboud
Baack
Bernard-Stevens
Beutler
Chambers
Haberman
Johnson, R.
Lamb
Landis
Lindsay
Moore
Morrissey
Robak
Rogers
Schellpeper
Schimek
Will
Withem

Present and not voting, 1:

Hartnett

Excused and not voting, 5:

Hall Johnson, L. Peterson Rasmussen Schmit

Advanced to E & R for review with 25 ayes, 18 nays, 1 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 336A. Title read. Considered.

Mr. Kristensen offered the following amendment:
AM2431

1. Strike original section 1 and insert the following new section:

"Section 1. There is hereby appropriated (1) $4,000 from the General Fund and $37,255 from the Department of Motor Vehicles Cash Fund for FY1992-93 and (2) $1,500 from the General Fund and $23,338 from the Department of Motor Vehicles Cash Fund for FY1993-94 to the Department of Motor Vehicles, for Program 70, to aid in carrying out the provisions of Legislative Bill 336, Ninety-second Legislature, Second Session, 1992.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $14,069 for FY1992-93 or $14,491 for FY1993-94.".

The Kristensen amendment was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

NOTICE OF COMMITTEE HEARINGS

Government, Military and Veterans Affairs

LB 953	Wednesday, January 29, 1992	1:30 p.m.
LB 977	Wednesday, January 29, 1992	1:30 p.m.
LB 989	Wednesday, January 29, 1992	1:30 p.m.
LB 1029	Wednesday, January 29, 1992	1:30 p.m.
LB 1133	Wednesday, January 29, 1992	1:30 p.m.

LB 969	Thursday, January 30, 1992	1:30 p.m.
LB 884	Thursday, January 30, 1992	1:30 p.m.
LB 885	Thursday, January 30, 1992	1:30 p.m.
LB 978	Thursday, January 30, 1992	1:30 p.m.
LB 998	Thursday, January 30, 1992	1:30 p.m.

LR 212CA	Thursday, January 30, 1992	1:30 p.m.

LB 990	Friday, January 31, 1992	1:30 p.m.
LB 992	Friday, January 31, 1992	1:30 p.m.
LB 988	Friday, January 31, 1992	1:30 p.m.
LB 1051	Friday, January 31, 1992	1:30 p.m.
LB 1048	Friday, January 31, 1992	1:30 p.m.

LB 949	Wednesday, February 5, 1992	1:30 p.m.
LB 900	Wednesday, February 5, 1992	1:30 p.m.
LB 1046	Wednesday, February 5, 1992	1:30 p.m.
LB 1002	Wednesday, February 5, 1992	1:30 p.m.

(Signed) Gerald Conway, Chairperson

Banking, Commerce and Insurance

LB 984	Tuesday, January 28, 1992	1:30 p.m.
LB 985	Tuesday, January 28, 1992	1:30 p.m.
LB 1009	Tuesday, January 28, 1992	1:30 p.m.
LB 1012	Tuesday, January 28, 1992	1:30 p.m.
LB 1033	Tuesday, January 28, 1992	1:30 p.m.

(Signed) David Landis, Chairperson

Agriculture

LB 959	Tuesday, February 4, 1992	1:30 p.m.
LB 960	Tuesday, February 4, 1992	1:30 p.m.
LB 961	Tuesday, February 4, 1992	1:30 p.m.

(Signed) Carson Rogers, Chairperson

Urban Affairs

LB 1115	Tuesday, January 28, 1992	1:30 p.m.
LB 1008	Tuesday, January 28, 1992	1:30 p.m.
LB 1116	Tuesday, January 28, 1992	1:30 p.m.

(Signed) D. Paul Hartnett, Chairperson

MOTION - Withdraw LB 969

Mr. Peterson moved to withdraw LB 969.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Moore asked unanimous consent to print the following amendment to LB 336 in the Journal. No objections. So ordered.

AM0555

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Each school district with high school grades as defined in section 79-101 shall provide a driver education program for its students. Minimum requirements for the curriculum of the driver education program shall be established by the State Board of Education. Enrollment may be open to any student between the ages of fourteen and eighteen years.

Sec. 2. If money is appropriated from the General Fund, the balance of the appropriation, after the administration expenses have been deducted, shall be apportioned on September 1 of each year to the school districts of the state on the basis of the lesser of the actual cost of the driver education program or eighty dollars for each student having satisfactorily completed a driver education course in the immediately preceding twelve-month period as certified by the Commissioner of Education. Such apportionment shall be made on the basis of an application and certification by the local school superintendents to the Commissioner of Education. Any money available for investment shall be invested by the state investment officer pursuant to the provisions of sections 72-1237 to 72-1276.

Sec. 3. In order for a school district to qualify for funds as provided in section 2 of this act, (1) driver education teachers shall have a valid Nebraska teaching certificate to teach in the secondary schools, three hours of driver education, three hours of general safety education, and a course in first aid, and (2) the driver education course shall have a minimum of thirty hours of classroom instruction and an equivalent of six hours of behind-the-wheel instruction.

Sec. 4. The State Board of Education shall establish minimum requirements to be met for certification as a driver education teacher. No school district shall be eligible for the apportionment of funds unless its driver education course is taught by a certified driver education teacher.

Sec. 5. The provisions of sections 60-4,173 to 60-4,179 shall not apply to any person teaching a driver education course in the public schools under sections 1 to 4 of this act.".

MR. MORRISSEY PRESIDING

GENERAL FILE

LEGISLATIVE BILL 201. Title read. Considered.

Standing Committee amendment, AM0198, found in the Journal on page 661, First Session, 1991, was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mrs. Robak asked unanimous consent to be excused. No objections. So ordered.

SPEAKER BAACK PRESIDING

Advanced to E & R for review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mrs. Pirsch asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 314. Title read. Considered.

Mr. Beyer offered the following amendment:
AM0583

1. On page 6, lines 18, 19, 20, and 22 through 25, reinstate the stricken matter and strike the new matter.

2. On page 7, reinstate the stricken matter beginning with "Whenever" in line 1 through "roadway" in line 3.

The Beyer amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 275. Title read. Considered.

Standing Committee amendment, AM0254, found in the Journal on page 692, First Session, 1991, was considered.

Mr. Wehrbein renewed his pending amendment, AM2323, found in the Journal on page 159, to the Standing Committee amendment.

The Wehrbein amendment was adopted with 15 ayes, 0 nays, 27 present and not voting, and 7 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 275A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1174. Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to schools and school districts; to amend section 10-716.01, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to authority to issue bonds; and to repeal the original section.

LEGISLATIVE BILL 1175. Introduced by R. Johnson, 34; Hall, 7; Will, 8.

A BILL FOR AN ACT relating to horseracing; to adopt the Horseracing Industry Participants Bill of Rights Act; and to declare an emergency.

LEGISLATIVE BILL 1176. Introduced by Bernard-Stevens, 42; Beutler, 28; Conway, 17; Hartnett, 45; Horgan, 4; Lindsay, 9; Morrissey, 1; Rasmussen, 20.

A BILL FOR AN ACT relating to public power districts; to amend section 70-601, Reissue Revised Statutes of Nebraska, 1943; to state intent; to authorize the acquisition of certain power districts; to provide a procedure; to provide a termination date; to harmonize provisions; to provide severability; and to repeal the original section.

LEGISLATIVE BILL 1177. Introduced by Wickersham, 49; Hillman, 48.

A BILL FOR AN ACT relating to interest; to amend sections 25-1801, 45-103, 45-103.02, and 45-103.04, Reissue Revised Statutes of Nebraska, 1943, and section 45-101.04, Revised Statutes Supplement, 1990; to change rates and provisions relating to prejudgment interest and interest on open credit accounts; to eliminate the legal rate of interest upon the loan or forbearance of money and upon other contractual obligations; to repeal the original sections, and also sections 45-102 and 45-104, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1178. Introduced by Hillman, 48; Bernard-Stevens, 42; Beutler, 28; Chizek, 31; Horgan, 4; Landis, 46; Moore, 24; Nelson, 35; Rasmussen, 20; Schrock, 39; Wickersham, 49.

A BILL FOR AN ACT relating to anatomical gifts; to amend sections 60-493, 60-494, 69-4,144, 60-4,151, and 60-4,181, Revised Statutes Supplement, 1990, and section 60-484, Revised Statutes Supplement, 1991; to provide for anatomical gift information on commercial driver's licenses and state identification cards; to change the manner anatomical gift information is included on driver's licenses; to eliminate donor cards; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1179. Introduced by Chizek, 31, at the request of the Governor.

A BILL FOR AN ACT relating to the Employment and Investment Growth Act; to amend section 77-4105, Reissue Revised Statutes of Nebraska, 1943; to eliminate a tax exemption for turbine-powered aircraft; to harmonize provisions; to provide for applicability of the change made by this legislative bill; and to repeal the original section.

LEGISLATIVE BILL 1180. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to property taxation; to amend section 77-1239, Reissue Revised Statutes of Nebraska, 1943, and section 77-202, Revised Statutes Supplement, 1991; to eliminate an exemption for household goods and personal effects; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1181. Introduced by Robak, 22; Hillman, 48.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 39-6,106.01, 60-480, 60-4,107, 60-4,124, and 60-4,126, Revised Statutes Supplement, 1990, and sections 60-462, 60-4,112, and 60-4,125, Revised Statutes Supplement, 1991; to provide for a medical hardship permit; to provide a fee and a penalty; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1182. Introduced by Byars, 30.

A BILL FOR AN ACT relating to highways; to amend section 39-6,122, Revised Statutes Supplement, 1990; to provide for tourist-oriented directional sign panels; to provide fees; to provide powers and duties for the Department of Roads; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1183. Introduced by Lamb, 43.

A BILL FOR AN ACT relating to counties; to amend section 71-2059, Reissue Revised Statutes of Nebraska, 1943; to authorize governmental entities to construct and lease medical facilities; and to repeal the original section.

LEGISLATIVE BILL 1184. Introduced by Rasmussen, 20; Hartnett, 45; Lindsay, 9; Lynch, 13; Schimek, 27; Withem, 14.

A BILL FOR AN ACT relating to children; to amend section 28-101, Revised Statutes Supplement, 1991; to state intent; to authorize the establishment of child abuse and neglect investigation and treatment teams as prescribed; to provide duties for the teams, county attorneys, and the Attorney General; to provide a penalty; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1185. Introduced by Dierks, 40; Chambers, 11; Lindsay, 9.

A BILL FOR AN ACT relating to athletic grants-in-aid; to amend section 85-9,110, Reissue Revised Statutes of Nebraska, 1943; to provide procedures and requirements for reductions, cancellations, and refusals to renew such grants; and to repeal the original section.

LEGISLATIVE BILL 1186. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to property tax; to amend section 77-202, Revised Statutes Supplement, 1991; to provide for exemption of property of nonprofit amateur sports organizations; to define a term; and to repeal the original section.

LEGISLATIVE BILL 1187. Introduced by Landis, 46; Moore, 24.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-101, 8-157, 8-157.01, 8-345.01, and 8-602, Reissue Revised Statutes of Nebraska, 1943; to define and redefine terms; to change provisions relating to electronic terminals; to provide for point-of-sale terminals; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1188. Introduced by Abboud, 12; Ashford, 6; Lynch, 13; Robak, 22.

A BILL FOR AN ACT relating to the Nebraska County and City Lottery Act; to amend section 9-629, Reissue Revised Statutes of Nebraska, 1943; to eliminate the Thoroughbred Racing Assistance Fund; to harmonize provisions; and to repeal the original section, and also section 9-629.02, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1189. Introduced by Lindsay, 9; Lynch, 13.

A BILL FOR AN ACT relating to postsecondary education; to adopt the Postsecondary Vocational and Job Training Assistance Program Act.

LEGISLATIVE BILL 1190. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to privacy; to amend sections 20-204, 20-205, and 25-840.01, Reissue Revised Statutes of Nebraska, 1943; to provide for liability for invasion of privacy for willfully tapping or connecting with a telephone line or recording communications from such lines as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1191. Introduced by Ashford, 6.

A BILL FOR AN ACT relating to corrections; to adopt the Community Correctional Facilities and Programs Act.

LEGISLATIVE BILL 1192. Introduced by Lindsay, 9; Ashford, 6; Baack, 47; Bernard-Stevens, 42; Chambers, 11; Chizek, 31; Conway, 17; Dierks, 40; Hartnett, 45; Horgan, 4; Labedz, 5; Lynch, 13; Rasmussen, 20; Schimek, 27; Will, 8; Withem, 14.

A BILL FOR AN ACT relating to homeless persons; to amend sections 76-901 and 76-903, Reissue Revised Statutes of Nebraska, 1943; to adopt the Homeless Shelter Assistance Fund Act; to provide an increase in the documentary stamp tax and to change distribution of such tax; to provide an operative date; and to repeal the original sections.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the rereferral of legislative bill 1132 and the referral of legislative bills 1150 through 1173 and legislative resolution 227.

LB	Committee
1132	Banking, Commerce and Insurance
1150	Revenue
1151	General Affairs
1152	Transportation
1153	Education
1154	Banking, Commerce and Insurance
1155	Transportation
1156	Transportation
1157	Revenue
1158	Revenue
1159	Revenue
1160	Revenue
1161	Revenue
1162	Revenue
1163	Banking, Commerce and Insurance
1164	Revenue
1165	Government, Military and Veterans Affairs
1166	Education
1167	Urban Affairs
1168	Urban Affairs
1169	Health and Human Services
1170	Revenue
1171	Banking, Commerce and Insurance
1172	Transportation
1173	Health and Human Services

LR	Committee
227	Revenue

(Signed) Jerome Warner, Chairperson
Legislative Council
Executive Board

UNANIMOUS CONSENT - Print in Journal

Mr. Chizek asked unanimous consent to print the following amendment to LB 522 in the Journal. No objections. So ordered.

AM2437

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Any school district, governing body of a nonpublic school approved or accredited by the State Department of Education, or any governmental agency or political subdivision employing, supervising, licensing, or certifying teachers or child care providers may, as a condition of employment, licensure, or certification or as part of an investigation pursuant to section 79-1283, require a teaching or nonteaching employee, contractor, employee of a contractor, licensee, or certificate holder to obtain a criminal history record information report from the Nebraska State Patrol except as provided in section 5 of this act. Any person for whom a criminal history record information check has been required shall provide proof of identification and shall sign and file a release with any local law enforcement agency. Such local law enforcement agency shall forward the release to the Nebraska State Patrol.

Sec. 2. Upon request by the Commissioner of Education, school district, or other requesting agency and receipt of a release pursuant to section 1 of this act, the Nebraska State Patrol shall undertake a search for criminal history record information relating to such person, including a national criminal history record information check. The Nebraska State Patrol shall provide a report, which report shall include information concerning the person from federal repositories of such information and repositories of such information in other states if authorized by federal law or by an agreement entered into pursuant to section 29-210, directly to the person who is the subject of the report. Such reports shall contain a raised seal on each page to prevent forgery of such report. The cost of such report shall be paid by the person applying for employment, licensure, or certification. In the case of employment, such person shall be reimbursed for the cost of the report upon hiring by the agency, political subdivision, school district, or nonpublic school requiring a criminal history record information check as a condition of employment.

Sec. 3. Employment, licensure, or certification may be denied to any person convicted of an offense bearing a reasonable and rational relationship to employment in a position working with minors.

Sec. 4. A person who operates motor vehicles for an agency or political subdivision or contractor thereof or who is applying for employment, licensure, or certification for a position that involves the operation of a motor vehicle may be denied employment, licensure, or certification if he or she has been convicted of any offense bearing a reasonable and rational relationship to a position involving transportation of minors in a motor vehicle, including reckless driving, driving under the influence of alcohol or drugs, motor vehicle homicide, and repeated convictions of offenses against laws or ordinances regulating movement of traffic.

Sec. 5. Notwithstanding section 1 of this act: (1) No person shall be required to apply for a criminal history record information check pursuant to sections 1 to 9 of this act prior to July 1, 1992; (2) no school district or nonpublic school shall require a criminal history record information check pursuant to sections 1 to 9 of this act regarding any certified teacher or administrator employed by such district or school as of the effective date of this act; and (3) the State Board of Education shall not require a criminal history record information check pursuant to sections 1 to 9 of this act for purposes of renewal of a non-lapsed certificate of any teacher or administrator who has retained continuous Nebraska residency since initial certification, except that the State Board of Education shall require criminal history record information checks of persons who have not retained continuous Nebraska residency since initial certification and for purposes of renewing lapsed certificates, issuing first-time Nebraska certificates, or conducting an investigation pursuant to section 79-1283.

Sec. 6. Nothing in sections 1 to 9 of this act shall prohibit any agency, political subdivision, school district, or nonpublic school from conducting other criminal record or background checks permitted by law.

Sec. 7. Any person denied a certificate by the Commissioner of Education pursuant to section 3 of this act may appeal the decision to the State Board of

Education and shall have the right of access to any and all records and information relied upon by the commissioner in denying the certificate. Criminal history record information shall remain confidential and may be released only upon the written authorization of the applicant, except that if the applicant appeals the denial of a certificate the filing of such an appeal shall constitute a release of the information for the limited purpose of the appeal.

Sec. 8. Any person who alters, forges, deletes, or in any way misrepresents information contained on a criminal history record information report provided pursuant to sections 1 to 7 of this act shall be guilty of a Class III felony.

Sec. 9. The State Department of Education shall adopt and promulgate rules and regulations to implement sections 1 to 8 of this act on or before June 1, 1992.

Sec. 10. That section 29-210, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-210. The Nebraska State Patrol ~~is hereby authorized~~ may:

(1) ~~to keep~~ Keep a complete record of all reports filed of all personal property stolen, lost, found, pledged, or pawned~~;~~ in any city or county of this state;

(2) ~~to provide~~ Provide for the installation of a proper system and file~~;~~ and cause to be filed ~~therein~~ in such system cards containing an outline of the methods of operation employed by criminals;

(3) ~~to use~~ Use any system of identification it deems advisable~~;~~ or that may be adopted in any of the penal institutions of the state;

(4) ~~to keep~~ Keep a record consisting of duplicates of measurements, processes, operations, plates, photographs, ~~measurements~~ and descriptions of all persons confined in penal institutions of this state;

(5) ~~to procure~~ Procure and maintain, so far as practicable, plates, photographs, descriptions and information concerning all persons who ~~shall hereafter be~~ are convicted of a felony or imprisoned for violating

the military, naval, or criminal laws of the United States~~;~~ and ~~of~~ concerning well-known and habitual criminals from whatever source procurable;

(6) ~~to furnish~~ Furnish any criminal justice agency with any information, material, records, or means of identification which may properly be disseminated and ~~that~~ which it may desire in the proper administration of criminal justice;

(7) ~~to upgrade~~ Upgrade, when feasible, the existing law enforcement communications network; ~~and~~

(8) ~~to establish~~ Establish and maintain an improved system ~~or systems~~ by which relevant information may be collected, coordinated, and made readily available to serve qualified persons or agencies concerned with the administration of criminal justice; and

(9) Enter into cooperative agreements with federal and state repositories of criminal history record information to facilitate exchanges of such information.

Sec. 11. That original section 29-210, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

UNANIMOUS CONSENT - Add Cointroducers

Mr. Will asked unanimous consent to have his name added as cointroducer to LB 1099. No objections. So ordered.

Mr. Bernard-Stevens asked unanimous consent to have his name added as cointroducer to LB 1123. No objections. So ordered.

VISITORS

Visitors to the Chamber were 20 eighth grade students and teacher from Helen Hyatt Jr. High School, Lincoln.

ADJOURNMENT

At 12:02 p.m., on a motion by Mr. Schrock, the Legislature adjourned until 9:00 a.m., Wednesday, January 22, 1992.

Patrick J. O'Donnell
Clerk of the Legislature

TENTH DAY - JANUARY 22, 1992

LEGISLATIVE JOURNAL

TENTH DAY - JANUARY 22, 1992

LEGISLATIVE JOURNAL

NINETY-SECOND LEGISLATURE
SECOND SESSION

TENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 22, 1992

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Baack presiding.

PRAYER

The prayer was offered by Dr. Russell Jones, Immanuel Bible Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Ashford, Beutler, Beyer, Chambers, Conway, Haberman, Hall, R. Johnson, Landis, Moore, Rogers, Schellpeper, Schmit, Wesely, Mmes. Labedz, Pirsch, and Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 393, line 10, after "Chizek, 31" insert ", at the request of the Governor".
The Journal for the ninth day was approved as corrected.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 262. Placed on Select File as amended.
(E & R amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM5200.)

LEGISLATIVE BILL 529. Placed on Select File as amended.

E & R amendment to LB 529:
AM5199

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. This act shall be known and may be cited as the Campaign Committee Income Tax Act.

Sec. 2. The Legislature finds that the rapid growth of spending for election campaigns is a concern for the citizens of the state and impairs the ability of qualified candidates to run for office.

Sec. 3. For purposes of the Campaign Committee Income Tax Act, the definitions found in sections 49-1404 to 49-1444 and sections 4 and 5 of this act shall be used.

Sec. 4. Election period shall mean the period beginning May 1 of the year following the beginning of the previous term of the office sought and ending on April 30 following the election for the office sought.

Sec. 5. Income shall mean cash and in-kind contributions received by a candidate committee and any loan to the committee which is not repaid within two years.

Sec. 6. There is hereby established a campaign committee income tax. Income received by a candidate committee in excess of the exemption provided in section 7 of this act shall be taxed at fifty percent. All revenue from the campaign committee income tax shall be deposited into the General Fund.

Sec. 7. Income of a candidate committee shall be exempt from the tax prescribed in section 6 of this act as follows:

(1) For a committee for a candidate for Governor, the first one million dollars of income received in each election period shall be exempt;

(2) For a committee for a candidate for Lieutenant Governor, State Treasurer, Secretary of State, Attorney General, or Auditor of Public Accounts, the first one hundred fifty thousand dollars of income received in each election period shall be exempt; and

(3) For a committee for a candidate for Legislature, the Public Service Commission, the Board of Regents of the University of Nebraska, or the State

Board of Education, the first fifty thousand dollars of income received in each election period shall be exempt.

Sec. 8. At the time a campaign statement is filed pursuant to section 49-1459 or 49-1462, a candidate committee shall also file a campaign committee income tax return with the Department of Revenue. The return shall include a true and accurate copy of the campaign statement filed and a total of all income received by the candidate committee to date. The candidate committee shall also make a payment at the time the return is filed in an amount equal to fifty percent of all income received to date in excess of the applicable exemption provided in section 7 of this act. Any amount due but not paid at the time the return is filed shall accumulate interest at the rate specified in section 45-104.01, as such rate may from time to time be adjusted by the Legislature. The Tax Commissioner shall develop a form for the campaign committee income tax return.

Sec. 9. (1) A candidate for office shall be personally responsible for any unpaid taxes and penalties. All taxes due under the Campaign Committee Income Tax Act less the amount paid pursuant to section 8 of this act shall be paid not later than May 31 following the election period for which the tax is owed. The initial tax period shall begin on the operative date of this act.

(2) A late penalty shall be imposed for each day that a filing and tax payment is late. The penalty shall be ten percent of the tax owed and shall be assessed each day that the tax payment is late up to an amount of one hundred percent of the tax owed.

(3) A candidate who willfully fails to file or cause to be filed a campaign committee income tax return shall be guilty of a Class II misdemeanor.

Sec. 10. The Department of Revenue shall adopt and promulgate rules and regulations to carry out the Campaign Committee Income Tax Act.

Sec. 11. This act shall become operative on January 1, 1993.

Sec. 12. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.".

LEGISLATIVE BILL 682. Placed on Select File as amended.
(E & R amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM5201.)

(Signed) Eric Will, Chairperson

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 921. Placed on General File.
LEGISLATIVE BILL 976. Placed on General File.

(Signed) Ron Withem, Chairperson

Agriculture

LEGISLATIVE BILL 121. Indefinitely postponed.

(Signed) Carson Rogers, Chairperson

ANNOUNCEMENT

Mrs. Hillman designates LB 1178 as her priority bill.

STANDING COMMITTEE REPORT
Education

The Committee on Education desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Nebraska Educational Telecommunications Commission
Judy Schweikart
Harold McClure

VOTE: Aye: Senators Withem, Schrock, Dierks, Warner, Chizek. Not voting: Senator Beutler. Absent: Senator Nelson.

(Signed) Ron Withem, Chairperson

REPORT

Received quarterly report for the Nebraska State Highway Commission as of December 31, 1992 from the Department of Roads.

RESOLUTIONS

LEGISLATIVE RESOLUTION 226. Read. Considered.

LR 226 was adopted with 29 ayes, 0 nays, and 20 not voting.

LEGISLATIVE RESOLUTION 221. Read. Considered.

LR 221 was adopted with 27 ayes, 0 nays, and 22 not voting.

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Withdraw LB 969

Mr. Peterson renewed his pending motion, found in the Journal on page 389, to withdraw LB 969.

The Peterson motion to withdraw prevailed with 20 ayes, 0 nays, 11 present and not voting, and 18 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 522. Mr. Kristensen withdrew his pending motion, found in the Journal on page 313, to indefinitely postpone.

Mr. Chizek withdrew his pending amendment, AM2437, found in the Journal on page 396.

Mr. Chizek offered the following amendment:
AM2446

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Any school district, governing body of a nonpublic school approved or accredited by the State Department of Education, or any governmental agency or political subdivision employing, supervising, licensing, or certifying teachers or child care providers may, as a condition of employment, licensure, or certification or as part of an investigation pursuant to section 79-1283, require a teaching or nonteaching employee, contractor, employee of a contractor, licensee, or certificate holder to obtain a criminal history record information report from the Nebraska State Patrol except as provided in section 5 of this act. If the criminal history record information report requires the fingerprinting of a teaching or nonteaching employee, contractor, licensee, or certificate holder, then, notwithstanding sections 1 to 9 of this act, no criminal history record information report shall be required for employment, licensure, or certification of any person subject to such sections. Under no circumstances shall submission of or the taking of fingerprints of the applicant be required as a predicate to employment. Any person for whom a criminal history record information check has been required shall provide proof of identification and shall sign and file a release with any local law enforcement agency. Such local law enforcement agency shall forward the release to the Nebraska State Patrol.

Sec. 2. Upon request by the Commissioner of Education, school district, or other requesting agency and receipt of a release pursuant to section 1 of this act, the Nebraska State Patrol shall undertake a search for criminal history record information relating to such person, including a national criminal history record information check. The Nebraska State Patrol shall provide a report, which report shall include information concerning the person from federal repositories of such information and repositories of such information in other states if authorized by federal law or by an agreement entered into pursuant to section 29-210, directly to the person who is the subject of the report. Such reports shall contain a raised seal on each page to prevent forgery of such report. The cost of such report shall be paid by the person applying for employment, licensure, or certification. In the case of employment, such person shall be reimbursed for the cost of the report upon hiring by the agency, political subdivision, school district, or nonpublic school requiring a criminal history record information check as a condition of employment.

Sec. 3. Employment, licensure, or certification may be denied to any person convicted of an offense bearing a reasonable and rational relationship to employment in a position working with minors.

Sec. 4. A person who operates motor vehicles for an agency or political subdivision or contractor thereof or who is applying for employment, licensure, or certification for a position that involves the operation of a motor vehicle may be denied employment, licensure, or certification if he or she has been convicted of any offense bearing a reasonable and rational relationship to a position involving transportation of minors in a motor vehicle, including reckless driving, driving under the influence of alcohol or drugs, motor vehicle homicide, and repeated convictions of offenses against laws or ordinances regulating movement of traffic.

Sec. 5. Notwithstanding section 1 of this act: (1) No person shall be required to apply for a criminal history record information check pursuant to sections 1 to 9 of this act prior to July 1, 1992; (2) no school district or nonpublic school shall require a criminal history record information check pursuant to sections 1 to 9 of this act regarding any certified teacher or administrator employed by such district or school as of the effective date of this act; and (3) the State Board of Education shall not require a criminal history record information check pursuant to sections 1 to 9 of this act for purposes of renewal of a non-lapsed certificate of any teacher or administrator who has retained continuous Nebraska residency since initial certification, except that the State Board of Education shall require criminal history record information checks of persons who have not retained continuous Nebraska residency since initial certification and for purposes of renewing lapsed certificates, issuing first-time Nebraska certificates, or conducting an investigation pursuant to section 79-1283.

Sec. 6. Nothing in sections 1 to 9 of this act shall prohibit any agency, political subdivision, school district, or nonpublic school from conducting other criminal record or background checks permitted by law.

Sec. 7. Any person denied a certificate by the Commissioner of Education pursuant to section 3 of this act may appeal the decision to the State Board of Education and shall have the right of access to any and all records and information relied upon by the commissioner in denying the certificate. Criminal history record information shall remain confidential and may be released only upon the written authorization of the applicant, except that if the applicant appeals the denial of a certificate the filing of such an appeal shall constitute a release of the information for the limited purpose of the appeal.

Sec. 8. Any person who alters, forges, deletes, or in any way misrepresents information contained on a criminal history record information report provided pursuant to sections 1 to 7 of this act shall be guilty of a Class III felony.

Sec. 9. The State Department of Education shall adopt and promulgate rules and regulations to implement sections 1 to 8 of this act on or before June 1, 1992.

Sec. 10. That section 29-210, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-210. The Nebraska State Patrol ~~is hereby authorized~~ may:

(1) ~~to keep~~ Keep a complete record of all reports filed of all personal property stolen, lost, found, pledged, or pawned~~,~~ in any city or county of this state;

(2) ~~to provide~~ Provide for the installation of a proper system and file~~,~~ and cause to be filed ~~therein~~ in such system cards containing an outline of the methods of operation employed by criminals;

(3) ~~to use~~ Use any system of identification it deems advisable~~,~~ or that may be adopted in any of the penal institutions of the state;

(4) ~~to keep~~ Keep a record consisting of duplicates of measurements, processes, operations, plates, photographs, ~~measurements~~ and descriptions of all persons confined in penal institutions of this

state;

(5) ~~to procure~~ Procure and maintain, so far as practicable, plates, photographs, descriptions and information concerning all persons who ~~shall hereafter be~~ are convicted of a felony or imprisoned for violating the military, naval, or criminal laws of the United States~~;~~ and ~~of~~ concerning well-known and habitual criminals from whatever source procurable;

(6) ~~to furnish~~ Furnish any criminal justice agency with any information, material, records, or means of identification which may properly be disseminated and ~~that~~ which it may desire in the proper administration of criminal justice;

(7) ~~to upgrade~~ Upgrade, when feasible, the existing law enforcement communications network; ~~and~~

(8) ~~to establish~~ Establish and maintain an improved system ~~or systems~~ by which relevant information may be collected, coordinated, and made readily available to serve qualified persons or agencies concerned with the administration of criminal justice; and

(9) Enter into cooperative agreements with federal and state repositories of criminal history record information to facilitate exchanges of such information.

Sec. 11. That original section 29-210, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

Mr. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Withem offered the following amendment to the pending Chizek amendment:

FA232

line 12, after contractor insert "having direct access to children", strike "a" and insert "such."

line 18, after contractor insert "having direct access to children."

The Withem amendment was adopted with 19 ayes, 0 nays, 20 present and not voting, and 10 excused and not voting.

Mr. L. Johnson asked unanimous consent to be excused. No objections. So ordered.

The Chizek amendment, as amended, was adopted with 31 ayes, 1 nay, 9 present and not voting, and 8 excused and not voting.

Mr. Bernard-Stevens moved to bracket LB 522 until March 14, 1992.

The Bernard-Stevens motion to bracket lost with 9 ayes, 16 nays, 18 present and not voting, and 6 excused and not voting.

Mr. Lynch offered the following amendment:
FA233

Insert a new section 1.

Prior to the enrollment of a student for the first time in a public or private school system, the school of enrollment shall require the legal guardian or guardians of the student to submit to the district of enrollment a criminal clearance verification for each legal guardian from the Commissioner of Education based upon a check of the person's criminal history record information as defined in section 29-3506.

On page 2, line 15, after the period insert "Section 2."

Renumber remaining sections.

Mr. Lynch withdrew his pending amendment.

Pending.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1193. Introduced by Withem, 14.

A BILL FOR AN ACT relating to elections; to amend sections 32-216, 32-216.02, 32-221 to 32-224, 32-471, 32-530.01, 32-829, 32-830, 32-831, 32-832, 32-834, and 32-849, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to registration of voters; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1194. Introduced by Lamb, 43.

A BILL FOR AN ACT relating to schools; to amend section 79-402, Revised Statutes Supplement, 1991; to change provisions relating to changing boundaries of school districts; and to repeal the original section.

LEGISLATIVE BILL 1195. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to courts; to amend sections 8-1736, 13-512, and 55-444, Reissue Revised Statutes of Nebraska, 1943, and sections 25-1140, 25-1315.03, 25-21,167, 29-116, 29-2315.01, 29-2316, 42-351, 43-2,126, 46-210, 48-185, 48-808, 48-812, 55-445, 70-1326, 75-136, 75-137, 75-138, 77-1510, 77-1609, 77-1610, 81-1387, 83-1224, and 85-1418, Revised Statutes Supplement, 1991; to change provisions relating to appeals to the Court of Appeals and the Supreme Court; to harmonize provisions with the creation of the Court of Appeals; and to repeal the original sections.

LEGISLATIVE BILL 1196. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to police officer retirement; to amend sections 16-1002, 16-1004 to 16-1011, 16-1013, 16-1014, 16-1016, 16-1018, and 16-1019, Reissue Revised Statutes of Nebraska, 1943; to define and redefine terms; to change and provide for benefits under retirement systems for police officers in cities of the first class; to provide duties for the city and the retirement committee; and to repeal the original sections.

LEGISLATIVE BILL 1197. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to security interests; to amend section 76-276, Reissue Revised Statutes of Nebraska, 1943; to authorize creation of security interests in rents; to define terms; to provide for recording, priorities, and enforcement of such security interests; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1198. Introduced by Baack, 47.

A BILL FOR AN ACT relating to schools and school districts; to amend sections 79-101.01, 79-438.12, 79-1303, and 79-3806, Revised Statutes Supplement, 1991; to define a term; to provide a general fund property tax requirement for certain school districts; to change provisions relating to computation of a tax levy as prescribed; to change a provision relating to the distribution of in lieu of tax money; to change a provision relating to equalization aid; and to repeal the original sections.

LEGISLATIVE BILL 1199. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to county courts; to amend section 25-2706, Revised Statutes Supplement, 1991; to change provisions relating to county court jurisdiction; and to repeal the original section.

LEGISLATIVE BILL 1200. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to accountants; to amend section 1-169, Reissue Revised Statutes of Nebraska, 1943; to establish liability of accountants as prescribed; to define a term; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1201. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Revenue Recovery in Hospital Billing Practices Act; and to provide a penalty.

LEGISLATIVE BILL 1202. Introduced by Will, 8.

A BILL FOR AN ACT relating to property taxation; to amend section 77-202, Revised Statutes Supplement, 1991; to eliminate personal property tax exemptions; to provide an operative date; and to repeal the original section, and also section 77-202.46, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1203. Introduced by Will, 8.

A BILL FOR AN ACT relating to revenue and taxation; to impose a tax on disposable diapers; to provide for enforcement of the tax; to provide for disposition of the proceeds; and to provide an operative date.

LEGISLATIVE BILL 1204. Introduced by Wesely, 26; Schimek, 27.

A BILL FOR AN ACT relating to homestead exemptions; to amend sections 77-3507, 77-3509, 77-3509.01, 77-3509.02, 77-3511, 77-3521, 77-3522, 77-3523, and 77-3529, Reissue Revised Statutes of Nebraska, 1943, and sections 77-3508, 77-3509.03, 77-3510, 77-3512, 77-3513, 77-3514, and 77-3516, Revised Statutes Supplement, 1991; to change the amount of actual value of a homestead to be exempt; to exempt certain homesteads as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1205. Introduced by Morrissey, 1.

A BILL FOR AN ACT relating to the Nebraska Investment Finance Authority Act; to amend sections 58-202, 58-203, 58-219, and 58-239, Revised Statutes Supplement, 1991; to state findings; to define a term; to permit loans as prescribed for financing costs associated with solid waste disposal; and to repeal the original sections.

LEGISLATIVE BILL 1206. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to the State Government Recycling Management Act; to amend sections 81-1602, 81-1645, 81-1646, and 81-1648, Revised Statutes Supplement, 1990, section 81-1647, Revised Statutes Supplement, 1991, and Laws 1991, LB 429A, section 1; to transfer certain duties from the State Energy Office to the Department of Administrative Services; to appropriate funds; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1207. Introduced by Moore, 24; Baack, 47.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-602, 77-604, 77-1248, and 77-1249, Reissue Revised Statutes of Nebraska, 1943, and section 77-201, Revised Statutes Supplement, 1991; to change a provision relating to the valuation of certain centrally assessed property; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1208. Introduced by Warner, 25; Lamb, 43; Wehrbein, 2.

A BILL FOR AN ACT relating to county extension organizations; to amend sections 2-1603, 2-1604, 2-1605, 2-1606, and 2-1607, Reissue Revised Statutes of Nebraska, 1943; to change provisions to authorize two or more county extension organizations to combine under combined budgets as prescribed; to provide that the employees of such combined organizations shall be participants in the Retirement System for Nebraska Counties as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1209. Introduced by Landis, 46.

A BILL FOR AN ACT relating to arson; to amend section 28-504, Reissue Revised Statutes of Nebraska, 1943; to change the penalty for arson in the third degree; and to repeal the original section.

LEGISLATIVE BILL 1210. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to real estate; to amend sections 44-1947 and 44-1951, Revised Statutes Supplement, 1991; to adopt the Real Estate Closing Act; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1211. Introduced by Ashford, 6; Chizek, 31.

A BILL FOR AN ACT relating to crimes and punishment; to amend section 83-1,116, Reissue Revised Statutes of Nebraska, 1943, and sections 29-901 and 29-2262, Revised Statutes Supplement, 1991; to provide for drug and alcohol testing of certain criminal offenders; to provide conditions for bail, probation, and parole; to require a study of boot camps; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 1212. Introduced by Morrissey, 1; Ashford, 6.

A BILL FOR AN ACT relating to early childhood programs; to amend sections 71-1909, 71-1914 to 71-1916, and 71-1918, Reissue Revised Statutes of Nebraska, 1943, and sections 71-1910 and 71-1911, Revised Statutes Supplement, 1991; to provide for use of reusable diapers as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1213. Introduced by Wickersham, 49; Coordsen, 32; Dierks, 40; Lamb, 43; Peterson, 21.

A BILL FOR AN ACT relating to the State Treasurer; to amend section 84-612, Revised Statutes Supplement, 1991; to change dates and amounts relating to transfers of funds; to appropriate funds; and to repeal the original section.

LEGISLATIVE BILL 1214. Introduced by Wickersham, 49; Coordsen, 32; Dierks, 40; Lamb, 43; Morrissey, 1; Peterson, 21; Schellpeper, 18.

A BILL FOR AN ACT relating to railroads; to provide for railroad preservation districts.

LEGISLATIVE BILL 1215. Introduced by Landis, 46.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-157, 8-157.01, 8-403.01, 8-602, and 8-1515, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to branch banking; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1216. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to public agencies; to adopt the Buy American Act.

LEGISLATIVE BILL 1217. Introduced by Hillman, 48; Beyer, 3; Byars, 30; Chizek, 31; Coordsen, 32; Cudaback, 36; Dierks, 40; Elmer, 38; Hefner, 19; Horgan, 4; L. Johnson, 15; Rasmussen, 20; Schellpeper, 18.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-108, 60-110, 60-111, and 60-113, Reissue Revised Statutes of Nebraska, 1943, sections 60-107 and 60-115, Revised Statutes Supplement, 1990, and section 60-112, Revised Statutes Supplement, 1991; to change provisions relating to the issuance of, notation of liens upon, and destruction of records pertaining to certificates of title; to harmonize provisions; and to repeal the original sections, and also section 60-107.01, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1218. Introduced by Beutler, 28; Crosby, 29; Landis, 46; Schimek, 27; Warner, 25; Wesely, 26.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Reissue Revised Statutes of Nebraska, 1943; to allow a tax credit for unreimbursed losses of certain deposits; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1219. Introduced by Will, 8.

A BILL FOR AN ACT relating to victim rights; to amend section 29-2280, Reissue Revised Statutes of Nebraska, 1943; to authorize restitution for damages from uncharged and dismissed offenses; and to repeal the original section.

LEGISLATIVE BILL 1220. Introduced by Wesely, 26; Landis, 46.

A BILL FOR AN ACT relating to insurance; to amend sections 44-4201, 44-4202, 44-4206, 44-4218, 44-4219, 44-4221, 44-4223, 44-4224, 44-4226, 44-4231, 44-4233, 44-4235, 77-908, and 77-913, Reissue Revised Statutes of Nebraska, 1943, sections 44-4216, 44-4217, 44-4220, 44-4222, and 44-4230, Revised Statutes Supplement, 1990, and sections 44-4225 and 44-4227, Revised Statutes Supplement, 1991; to change provisions relating to the Comprehensive Health Insurance Pool; to redefine a term; to change membership on the board of the pool and the method of selection of certain members; to change coverage provisions; to provide for a tax on hospitals; to change assessment and tax provisions; to change rate calculations; to eliminate an operative date and study requirement; to require notice of termination of group health care coverage or services; to harmonize provisions; and to repeal the original sections, and also section 44-4234, Revised Statutes Supplement, 1991.

LEGISLATIVE BILL 1221. Introduced by Beutler, 28; Pirsch, 10.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-2204, Reissue Revised Statutes of Nebraska, 1943; to transfer and repeal provisions relating to sentencing; and to repeal the original section, and also section 83-1,105, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1222. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to public employees; to provide for a program to assist in eliminating exposure to bloodborne pathogens; and to declare an emergency.

LEGISLATIVE BILL 1223. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to rental motor vehicles; to amend section 60-303, Reissue Revised Statutes of Nebraska, 1943, and section 77-202, Revised Statutes Supplement, 1991; to provide for the imposition of a fee on certain businesses engaged in the renting of motor vehicles; to provide duties for the Department of Revenue; to provide an exemption from the personal property tax; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1224. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to the Nebraska Visitors Development Act; to amend sections 81-1245, 81-1251, 81-1254, 81-1255, and 81-1258, Revised Statutes Supplement, 1990; to eliminate provisions relating to the County Visitors Improvement Fund; to eliminate taxing authority; to transfer funds; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1225. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to corrections; to amend section 83-4,122, Revised Statutes Supplement, 1990; to provide a standard of proof for inmate disciplinary hearings; and to repeal the original section.

LEGISLATIVE BILL 1226. Introduced by Morrissey, 1; Coordsen, 32; Rogers, 41.

A BILL FOR AN ACT relating to solid waste disposal; to amend section 77-2602, Revised Statutes Supplement, 1991; to state findings; to create a fund and provide for credits to and disbursements from the fund; to provide for grants to local governments to assist in financing costs related to solid waste disposal sites; to authorize a special levy for assessment, closure, monitoring, or remediation of solid waste disposal facilities; to increase the rate of the cigarette tax and provide for disbursement of the proceeds of such increase; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1227. Introduced by Schmit, 23.

A BILL FOR AN ACT relating to courts; to authorize sanctions for frivolous claims and defenses.

LEGISLATIVE BILL 1228. Introduced by Schmit, 23.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-157, 8-157.01, 8-403.01, 8-602, and 8-1515, Reissue Revised Statutes of Nebraska, 1943; to provide for unlimited branch banking; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1229. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to housing; to amend section 81-885.24, Revised Statutes Supplement, 1990, and section 81-885.21, Revised Statutes Supplement, 1991; to require real estate brokers to maintain an interest-bearing checking account; to provide for use of interest and dividends earned on such accounts; to create a fund and provide for its use; to harmonize provisions; to provide duties for the Department of

Economic Development and its director; and to repeal the original sections.

LEGISLATIVE BILL 1230. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to appropriations; to adopt the Budget Enforcement Act of 1992; and to provide powers for the Governor.

LEGISLATIVE BILL 1231. Introduced by Beyer, 3.

A BILL FOR AN ACT relating to carrier enforcement officers; to amend sections 49-801, 60-1301, and 81-2005, Reissue Revised Statutes of Nebraska, 1943, section 83-1011, Revised Statutes Supplement, 1990, and sections 60-1303 and 60-1306, Revised Statutes Supplement, 1991; to provide powers and duties; to redefine terms; to eliminate a provision on resisting arrest; to harmonize provisions; and to repeal the original sections, and also section 60-1309, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1232. Introduced by Beyer, 3.

A BILL FOR AN ACT relating to commercial driver's licenses; to amend sections 60-4,138, 60-4,145, 60-4,169, 60-4,170, and 60-4,171, Revised Statutes Supplement, 1990; to provide restrictions to a commercial driver's license; to require proof of a physical examination; to eliminate the revocation of a nonresident's privilege to operate a commercial motor vehicle; to provide procedures for reinstatement of a commercial driver's license; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1233. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to the Environmental Protection Act; to amend sections 81-1501, 81-1504, 81-1506, and 81-1510, Reissue Revised Statutes of Nebraska, 1943, and sections 81-1508 and 81-1532, Revised Statutes Supplement, 1991; to state intent; to provide powers and duties for the Department of Environmental Control; to eliminate provisions relating to preliminary orders and processing of applications; to change and provide penalties for certain violations; to change provisions relating to obtaining voluntary compliance; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1234. Introduced by Byars, 30.

A BILL FOR AN ACT relating to nursing homes; to amend sections 71-6053, 71-6058, 71-6060, 71-6061, 71-6063, 71-6067, and 71-6068, Reissue Revised Statutes of Nebraska, 1943, and sections 71-6054, 71-6055, and 71-6056, Revised Statutes Supplement, 1991; to eliminate a term; to change provisions relating to qualifications for licensure as a nursing home administrator and administrator-in-training; to change certain requirements relating to licensure for administrators from other jurisdictions; to change provisions relating to examinations; to change exemptions from continuing education requirements for licensure; to change provisions relating to fees; to eliminate obsolete matter; to change provisions relating to the vacancy of certain administrator positions; to change duties of the Board of Examiners; to change provisions for hearings for loss of certification or license as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1235. Introduced by Crosby, 29; Rasmussen, 20.

A BILL FOR AN ACT relating to appropriations; to state intent; and to appropriate funds for early childhood programs.

LEGISLATIVE BILL 1236. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to environmental health specialists; to amend section 81-2,281, Revised Statutes Supplement, 1991; to define terms; to create and provide for membership on and duties of the Board of Registration for Environmental Health Specialists; to provide for registration of environmental health specialists and environmental health specialist trainees; to provide a penalty; to eliminate provisions relating to environmental health specialists and trainees, a board, a fund, fees, and a penalty; to harmonize provisions; and to repeal the original sections, and also sections 71-3707, 71-3712, and 71-3715, Reissue Revised Statutes of Nebraska, 1943, and sections 71-3702 to 71-3706, 71-3708 to 71-3711, 71-3713, and 71-3714, Revised Statutes Supplement, 1991.

UNANIMOUS CONSENT - Member Excused

Mr. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 522. Considered.

MR. WARNER PRESIDING

Mr. Chambers offered the following amendment:
FA234
Amend AM2446:
Page 1, line 9, strike "may" and insert "shall".

SPEAKER BAACK PRESIDING

The Chambers amendment lost with 13 ayes, 11 nays, 22 present and not voting, and 3 excused and not voting.

Messrs. Lindsay and Withem asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Robinson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 27:

Abboud
Ashford
Baack
Beyer
Byars
Chizek
Coordsen
Cudaback
Dierks
Elmer
Hartnett
Hefner
Hillman
Kristensen
Labedz
Lamb
Landis
Moore
Pirsch
Robak
Robinson
Rogers
Schellpeper
Schrock
Warner
Wehrbein
Withem

Voting in the negative, 13:

Bernard-Stevens
Bohlke
Chambers
Crosby
Haberman
Hall
Johnson, R.
Morrissey
Nelson
Schimek
Schmit
Wickersham
Will

Present and not voting, 6:

Beutler
Conway
Horgan
Lynch
Rasmussen
Wesely

Excused and not voting, 3:

Johnson, L. Lindsay Peterson

Advanced to E & R for review with 27 ayes, 13 nays, 6 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 522A. Title read. Considered.

Mr. Dierks offered the following amendment:
AM2466

1. Strike original sections 1 and 2 and insert the following new sections:

"Section 1. There is hereby appropriated (1) $84,620 from the General Fund for FY1992-93 and (2) $80,616 from the General Fund for FY1993-94 to the State Department of Education, for Program 25, to aid in carrying out the provisions of Legislative Bill 522, Ninety-second Legislature, Second Session, 1992.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $46,278 for FY1992-93 or $49,595 for FY1993-94.

Sec. 2. There is hereby appropriated (1) $96,600 from the Nebraska State Patrol Cash Fund for FY1992-93 and (2) $96,600 from the Nebraska State Patrol Cash Fund for FY1993-94 to the Nebraska State Patrol, for Program 100, to aid in carrying out the provisions of Legislative Bill 522, Ninety-second Legislature, Second Session, 1992.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $21,424 for FY1992-93 or $22,067 for FY1993-94.".

MR. MORRISSEY PRESIDING

The Dierks amendment was adopted with 27 ayes, 1 nay, 18 present and not voting, and 3 excused and not voting.

SPEAKER BAACK PRESIDING

Advanced to E & R for review with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 671. Placed on Select File as amended.
E & R amendment to LB 671:
AM5202

1. On page 4, line 16; and page 5, line 18, strike "following form:" and insert "form provided in this subsection.".

2. On page 7, line 13, after the first "of" insert "the"; and in line 20 after the comma insert "shall".

3. On page 8, line 9, strike "5" and insert "6".

4. On page 10, line 6, strike "individuals" and insert "individual".

5. On page 13, line 5, strike the comma.

LEGISLATIVE BILL 696. Placed on Select File as amended.
E & R amendment to LB 696:
AM5203

1. In the Lindsay-Wesely amendment, AM2418:

a. On page 1, line 8, strike "shall" and insert "does";

b. On page 4, line 18, strike "person";

c. On page 6, line 15, strike the comma;

d. On page 7, line 13, after "in" insert "or of";

e. On page 8, line 4, strike "following form:" and insert "form provided in this subsection."; and in line 6 before "whose" insert a comma;

f. On page 10, line 4, strike "section" and insert "document";

g. On page 11, line 21, strike "provisions" and insert "terms";

h. On page 12, line 12, strike "and," and insert ", and"; and in line 13 strike "where" and insert "in or of which";

i. On page 13, line 3, after "physician" insert a comma; in line 7 strike "physicians" and insert "physician"; in line 8 strike "where" and insert "in or of which"; in line 16 strike "(a)" and insert "(1)"; in line 18 strike "(b)" and insert "(2)"; and in line 19 strike "(c)" and insert "(3)";

j. On page 14, line 5, strike "(a)" and insert "(1)", strike "(b)" and insert "(2)", and strike "(c)" and insert "(3)"; in line 6 strike "(d)" and insert "(4)" and strike "(e)" and insert "(5)"; in line 9 strike "under this act"; in line 16 strike "of" and insert "after"; and in line 18 after "hearing" insert a comma;

k. On page 16, line 11, strike "has" and insert "shall have"; and in line 22 strike the comma;

l. On page 17, line 15, strike the first comma;

m. On page 18, line 19, strike "if" and insert "of";

n. On page 20, line 5, strike "executed under this act"; in lines 9 and 10 and 13 strike "Chapter 30" and insert "the Nebraska Probate Code"; in line 23 after "effective" insert a comma; and in line 24 after "attorney" insert "in fact";

o. On page 21, line 11, after the second period insert "(1)" and strike "under this"; in line 12 strike "act"; in line 13 strike "(1)" and insert "(a)"; in line 16 strike "(2)" and insert "(b)"; and in line 24 strike "(3)" and insert "(c)";

p. On page 22, line 5, strike "(4)" and insert "(d)"; after line 15 insert the matter found on page 23, lines 4 through 6; in line 16 strike "(1)" and after "21" insert "of this act"; in line 18 strike "(a)" and insert "(1)"; in line 19 strike "(b)" and insert "(2)"; in line 20 strike "(c)" and insert "(3)"; in line 22 strike "(d)" and insert "(4)"; in line 23 strike "(e)" and insert "(5)"; and in line 24 strike "(f)" and insert "(6)";

q. On page 23, line 1, strike "(g)" and insert "(7)"; in line 3 strike "(h)" and insert "(8)" and strike "parties" and insert "party"; and in line 5 strike the first "in" and insert "with"; and

r. On page 27, line 1, after "8" insert "of this act"; and in line 4 strike "effective" and insert "operative".

2. On page 1, line 4, strike "criteria" and insert "qualifications"; in line 6 strike "and", after

"provide" insert "hearings, restrictions on liability, and", and after "penalties" insert "; to provide an operative date; and to provide severability".

LEGISLATIVE BILL 573. Placed on Select File as amended.
E & R amendment to LB 573:
AM5204

1. On page 1, line 5, after "provide" insert "for distribution of" and strike "and"; and in line 6 after "duties" insert "; and to require reporting and evaluation".

2. On page 3, line 15, after the semicolon insert "and".

3. On page 5, line 16, after "of" insert "the"; and in line 25 strike "who" and insert "which".

4. On page 6, line 17, after "the" insert "governing boards of the" and strike "governing boards".

5. On page 7, line 19, strike "and," and insert ", and".

LEGISLATIVE BILL 301. Placed on Select File as amended.
E & R amendment to LB 301:
AM5208

1. In the Standing Committee amendment, AM1575, on page 1, line 8, strike "divisions" and insert "division".

2. On page 1, strike line 2 and insert "require the filing of annual statements with the Auditor of Public Accounts; to provide for rules and regulations; and to provide penalties.".

LEGISLATIVE BILL 21. Placed on Select File as amended.
E & R amendment to LB 21:
AM5206

1. On page 1, strike lines 3 through 9 and insert "section 46-674.19, Reissue Revised Statutes of Nebraska, 1943; to change provisions authorizing a tax levy for special ground water quality protection areas; and to repeal the original section.".

LEGISLATIVE BILL 677. Placed on Select File as amended.
E & R amendment to LB 677:
AM5207

1. In the Wesely amendment, AM2332:

a. On page 5, line 23, strike "and"; and in line 24 after "care" insert an underscored comma;

b. On page 6, lines 19 and 20, after the comma insert "of";

c. On page 17, line 5, strike "such office" and insert "the office of the state long-term care ombudsman"; and

d. On page 19, line 18, after "office" insert "of the state long-term care ombudsman".

2. On page 1, line 1, after the semicolon insert "to amend sections 71-2023, 71-5906, 71-6019, 71-6021, and 71-6035, Reissue Revised Statutes of Nebraska, 1943, and section 71-6054, Revised Statutes Supplement, 1991;"; and in line 2 after "Act" insert "; to provide grounds for denial or discipline of licenses; to provide for access to certain facilities; to prohibit discrimination or retaliation as prescribed; to rearrange certain licensing requirements; to eliminate provisions relating to access to records by the long-term care ombudsman; and to repeal the original sections, and also section 81-2214.01, Revised Statutes Supplement, 1991".

LEGISLATIVE BILL 191. Placed on Select File as amended.
E & R amendment to LB 191:
AM5205

1. On page 2, line 14, strike "fur-bearing,".

2. On page 3, line 11, strike "such" and "as"; and in line 13 strike "such".

3. On page 6, line 14, after "by" insert "the".

(Signed) Eric Will, Chairperson

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 728. Placed on General File as amended.
(Standing Committee amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM2403.)

(Signed) Jerry Chizek, Chairperson

Natural Resources

LEGISLATIVE BILL 34. Indefinitely postponed.
LEGISLATIVE BILL 38. Indefinitely postponed.
LEGISLATIVE BILL 483. Indefinitely postponed.
LEGISLATIVE BILL 505. Indefinitely postponed.
LEGISLATIVE BILL 570. Indefinitely postponed.
LEGISLATIVE BILL 593. Indefinitely postponed.
LEGISLATIVE BILL 660. Indefinitely postponed.
LEGISLATIVE BILL 730. Indefinitely postponed.
LEGISLATIVE BILL 747. Indefinitely postponed.
LEGISLATIVE BILL 750. Indefinitely postponed.
LEGISLATIVE BILL 761. Indefinitely postponed.
LEGISLATIVE BILL 768. Indefinitely postponed.
LEGISLATIVE BILL 774. Indefinitely postponed.

(Signed) Rod Johnson, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 1174 through 1192.

LB	**Committee**
1174	Education
1175	General Affairs
1176	Natural Resources
1177	Banking, Commerce and Insurance
1178	Transportation
1179	Revenue
1180	Revenue
1181	Transportation
1182	Transportation
1183	Health and Human Services
1184	Judiciary
1185	Judiciary
1186	Revenue
1187	Banking, Commerce and Insurance
1188	General Affairs
1189	Education
1190	Judiciary

1191 Government, Military and Veterans Affairs
1192 Revenue

(Signed) Jerome Warner, Chairperson
Legislative Council
Executive Board

NOTICE OF COMMITTEE HEARINGS

Government, Military and Veterans Affairs

LB 969	Thursday, January 30, 1992 (Cancelled)	1:30 p.m.
LB 988	Friday, January 31, 1992 (Cancelled)	1:30 p.m.
LB 988	Thursday, February 6, 1992 (Reset)	1:30 p.m.

(Signed) Gerald Conway, Chairperson

Judiciary

LB 894	Wednesday, January 29, 1991	1:30 p.m.
LB 896	Wednesday, January 29, 1991	1:30 p.m.
LB 1103	Wednesday, January 29, 1991	1:30 p.m.
LB 1109	Wednesday, January 29, 1991	1:30 p.m.

(Signed) Jerry Chizek, Chairperson

Natural Resources

LB 1176	Wednesday, January 29, 1992	1:30 p.m.
LB 893	Thursday, January 30, 1992	1:30 p.m.
LB 888	Thursday, January 30, 1992	1:30 p.m.
LB 889	Thursday, January 30, 1992	1:30 p.m.
LB 1114	Friday, January 31, 1992	1:30 p.m.
LB 1030	Friday, January 31, 1992	1:30 p.m.
LB 1139	Friday, January 31, 1992	1:30 p.m.

(Signed) Rod Johnson, Chairperson

Revenue

LB 927	Wednesday, January 29, 1992	1:30 p.m.

LR 214CA	Wednesday, January 29, 1992	1:30 p.m.
LB 897	Wednesday, January 29, 1992	1:30 p.m.
LB 1164	Wednesday, January 29, 1992	1:30 p.m.
LB 883	Thursday, January 30, 1992	1:30 p.m.
LB 1025	Thursday, January 30, 1992	1:30 p.m.
LB 1121	Thursday, January 30, 1992	1:30 p.m.
LR 215CA	Thursday, January 30, 1992	1:30 p.m.
LR 219CA	Thursday, January 30, 1992	1:30 p.m.
LR 227CA	Thursday, January 30, 1992	1:30 p.m.
LB 1120	Friday, January 31, 1992	1:30 p.m.
LB 1055	Friday, January 31, 1992	1:30 p.m.
LB 1150	Friday, January 31, 1992	1:30 p.m.
LB 1159	Friday, January 31, 1992	1:30 p.m.
LB 1160	Friday, January 31, 1992	1:30 p.m.
LB 1161	Friday, January 31, 1992	1:30 p.m.
LB 1162	Friday, January 31, 1992	1:30 p.m.
LB 1063	Friday, January 31, 1992	1:30 p.m.

(Signed) Tim Hall, Chairperson

UNANIMOUS CONSENT - Print in Journal

Ms. Schimek asked unanimous consent to print the following amendment to LB 493 in the Journal. No objections. So ordered.

AM2434

1. On page 5, strike the new matter in lines 4 through 10 and insert:

"(5) To analyze the performance, management, and accomplishments of the programs of all executive state officers, agencies, boards, bureaus, commissions, associations, societies, and libraries supported by the state, state institutions, the University of Nebraska, and the Nebraska state colleges. By July 1 of each year the Performance Review and Audit Committee shall provide the Auditor of Public Accounts a list of analyses to be performed during the ensuing fiscal year. The Auditor of Public Accounts shall perform the studies prior to performing any other analyses pursuant to this section at his or her discretion. The Auditor of Public Accounts shall prepare and deliver to the committee a report of the findings of the analyses. The report shall include: (a) The scope of the analyses; (b) the criteria considered and standards used in the analyses; and (c) the findings and evaluations relative to the program analyzed. Each agency studied shall be provided an opportunity to examine and review the report and file a written response to the report which shall be submitted to the committee as part of the report filed by the Auditor of Public Accounts. The committee shall make the report public within thirty days after receiving the report.".

Ms. Schimek asked unanimous consent to print the following amendment to LB 722 in the Journal. No objections. So ordered.

AM2453

(Amendments to Standing Committee amendments, AM0340)

1. Strike amendment 2 and insert the following new amendments:

"1. Insert the following new section:

'Sec. 3. That section 81-1120.27, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1120.27. ~~The communications system shall not be used for any purposes other than business of the state or its political subdivisions except under conditions of emergency.~~ The facilities of the state's telecommunications systems are provided for the conduct of state business. In addition, the state's telecommunications systems may be used by state employees and officials for local and long distance calls to children at home, teachers, doctors, day care centers and baby sitters, to family members to inform them of unexpected schedule changes, and for other essential personal business. The use of the state's telecommunications systems for essential personal business shall be kept to a minimum and shall not interfere with the conduct of state business. Essential personal long distance calls shall be either collect, charged to a third party nonstate number, or charged to a personal credit card.'.

3. On page 4, line 14, after 'in' insert 'subsection (2) of'.

4. Renumber the remaining section accordingly.".

2. On page 1, line 1, after the comma insert "strike beginning with 'office' in line 6 through 'devices' in line 7 and insert 'installation and use of telephone and telefax machines'; and".

3. Renumber the remaining amendment accordingly.

ANNOUNCEMENTS

Ms. Schimek designates LB 130 as her priority bill.

Mr. Cudaback designates LB 1057 as his priority bill.

Mr. Peterson designates LB 1241 as his priority bill.

Mr. Wesely announced the Executive Session for the Health and Human Services Committee scheduled for today has been re-scheduled for Friday, January 24, at 1:30 p.m. in Room 1510.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1237. Introduced by Wickersham, 49; Baack, 47; Hillman, 48; Nelson, 35.

A BILL FOR AN ACT relating to courts; to amend sections 24-301.02 and 24-810, Revised Statutes Supplement, 1991; to change provisions relating to judicial districts and judicial vacancies; to create the Judicial Resources Commission; and to repeal the original sections.

LEGISLATIVE BILL 1238. Introduced by Lamb, 43; Bohlke, 33; Coordsen, 32; Dierks, 40; Schellpeper, 18.

A BILL FOR AN ACT relating to schools and school districts; to amend section 79-3806, Revised Statutes Supplement, 1991; to change a provision relating to a limit on changes in state aid under the Tax Equity and Educational Opportunities Support Act; and to repeal the original section.

LEGISLATIVE BILL 1239. Introduced by Cudaback, 36; R. Johnson, 34; Lamb, 43; Rogers, 41; Schrock, 39.

A BILL FOR AN ACT relating to water; to amend section 46-673.11, Reissue Revised Statutes of Nebraska, 1943, and sections 46-657, 46-673.09, and 46-673.10, Revised Statutes Supplement, 1991; to redefine a term; to change provisions relating to methods of regulating water use in control and management areas; and to repeal the original sections.

LEGISLATIVE BILL 1240. Introduced by Hartnett, 45; Ashford, 6; Chambers, 11; Chizek, 31; Horgan, 4; Labedz, 5; Lindsay, 9; Lynch, 13; Morrissey, 1; Rasmussen, 20; Will, 8; Withem, 14.

A BILL FOR AN ACT relating to economic development; to amend section 77-27,188, Reissue Revised Statutes of Nebraska, 1943; to adopt the Enterprise Zone Act; and to repeal the original section.

LEGISLATIVE BILL 1241. Introduced by Peterson, 21; Dierks, 40; Hefner, 19; Schellpeper, 18; Wehrbein, 2.

A BILL FOR AN ACT relating to property; to amend sections 72-801, 72-803, 72-811 to 72-816, 81-145, 81-146, 81-153, 81-154, 81-159, 81-161, 81-161.03, 81-161.05, 81-162, 81-1108.15, 81-1108.16, 81-1108.22, 81-1108.41, 81-1118, and 81-1118.03, Reissue Revised Statutes of Nebraska, 1943; to state intent; to appropriate funds; to change responsibilities and powers concerning purchase, lease, and disposition of real and personal property by and for state agencies; to change the membership of the Vacant Building and Excess Land Committee; to provide powers and duties for the Committee on Building Maintenance and the Department of Administrative Services; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1242. Introduced by Hall, 7.

A BILL FOR AN ACT relating to housing authorities; to amend section 71-1524, Reissue Revised Statutes of Nebraska, 1943; to provide a residency requirement for commissioners of a county housing authority; to change provisions relating to vacancies on the board of a county housing authority; and to repeal the original section.

LEGISLATIVE BILL 1243. Introduced by Hall, 7.

A BILL FOR AN ACT relating to insurance; to amend section 44-1540, Revised Statutes Supplement, 1991; to prohibit insurers from requiring the use of certain glass replacement or repair services or products as prescribed; to provide for enforcement; to provide for rules and regulations; and to repeal the original section.

LEGISLATIVE BILL 1244. Introduced by Hall, 7; Hartnett, 45; Will, 8.

A BILL FOR AN ACT relating to real estate; to amend sections 76-901, 77-421, and 77-425, Reissue Revised Statutes of Nebraska, 1943, and section 76-2221, Revised Statutes Supplement, 1991; to require a statewide file on real estate; to provide duties for the Tax Commissioner and for county assessors; to provide for reappraisal orders; to provide for suspension of the authority of the county assessor; to create a fund and provide for its use; to increase a fee; to change provisions relating to an exemption from the Real Estate Appraiser Act; to change provisions relating to an examination; to eliminate provisions relating to training for county assessors; to harmonize provisions; and to repeal the original sections, and also sections 77-415 to 77-420, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1245. Introduced by Hall, 7.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-202, Revised Statutes Supplement, 1991; to eliminate a property tax exemption for certain not-for-profit hospitals; to provide for the use of tax proceeds received from the property tax on certain not-for-profit hospitals; and to repeal the original section.

LEGISLATIVE BILL 1246. Introduced by Hall, 7.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-503, 29-1004, 68-104, 68-126, 68-133, 68-139, 77-1239, 77-1601, 77-2363, 77-2715.02, 77-2715.07, 77-27,136 to 77-27,137.02, 77-27,139, 77-27,142, 77-4014, and 79-2651.02, Reissue Revised Statutes of Nebraska, 1943, sections 79-2648, 79-2650.09, and 79-3812, Revised Statutes Supplement, 1990, and sections 77-202, 77-2701, 77-2702, 77-2703, 77-2704, 77-2708, 77-2716, 77-2716.01, 77-3437, 77-3438, 77-3439, 79-2636, 79-2637, 79-2644, 79-2651, 79-3814, 79-3816, 79-3820, 85-121.03, 85-1416, and 85-1418, Revised Statutes Supplement, 1991; to state intent; to change provisions relating to the payment of costs for prisoners; to change responsibilities of the state and counties regarding medical assistance to the poor; to provide requirements and procedures for such assistance; to change and eliminate property tax exemptions; to redefine terms for sales and use tax purposes; to eliminate the collection fee for sales and use and tobacco products taxes; to change and eliminate exemptions from sales and use tax; to change the income tax rate calculations; to adjust income for depreciation; to create a tax credit; to create a surcharge for income generated by intangible property; to eliminate personal exemptions; to increase aid to political subdivisions; to change the distribution of the aid; to change the amount of tax authorized under the Local Option Revenue Act; to establish, change, and eliminate a termination date for limits on governmental subdivision expenditures and receipts; to eliminate provisions dealing with capital gains and a provision dealing with distribution of intangible tax receipts; to eliminate the taxing authority of community colleges; to harmonize provisions; to provide operative dates; to repeal the original sections, and also sections 77-27,140 and 79-2650.03, Reissue Revised Statutes of Nebraska, 1943, sections 79-2649 and 79-2650, Revised Statutes Supplement, 1990, and sections 77-2715.08, 77-2715.09, 77-3441, and 79-2651.04 to 79-2651.06, Revised Statutes Supplement, 1991; and to declare an emergency.

LEGISLATIVE BILL 1247. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Bohlke, 33; R. Johnson, 34; Labedz, 5; Rasmussen, 20; Schimek, 27; Will, 8.

A BILL FOR AN ACT relating to the Building Construction Act; to amend section 71-6401, Reissue Revised Statutes of Nebraska, 1943; to authorize political subdivisions to include permanently installed manufactured homes in building and construction codes; to define a term; and to repeal the original section.

LEGISLATIVE BILL 1248. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Bohlke, 33; R. Johnson, 34; Labedz, 5; Rasmussen, 20; Schimek, 27; Will, 8.

A BILL FOR AN ACT relating to suburban development; to amend sections 16-902 and 17-1002, Reissue Revised Statutes of Nebraska, 1943; to permit cities of the first and second classes or villages to designate extraterritorial jurisdiction as prescribed; to provide a duty for such cities and villages; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1249. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Bohlke, 33; R. Johnson, 34; Labedz, 5; Rasmussen, 20; Schimek, 27; Will, 8.

A BILL FOR AN ACT relating to the Local Option Municipal Economic Development Act; to amend sections 18-2709, 18-2710, 18-2711, 18-2712, 18-2715, and 18-2717, Reissue Revised Statutes of Nebraska, 1943; to redefine the term qualifying business; to change provisions relating to the preparation of and inclusion in a proposed plan for an economic development program; to provide for use of funds collected as prescribed; to change provisions relating to public hearings; to change the qualifications of members of a citizen advisory review committee; to change provisions relating to appropriations as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 1250. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to firefighters and emergency response personnel; to amend section 81-1316, Revised Statutes Supplement, 1990, and section 49-506, Revised Statutes Supplement, 1991; to adopt the Firefighters and Emergency Responders Training Act; to change provisions relating to the distribution of session laws; to change provisions relating to exempt employees; to transfer equipment, books, files, records, and other property; to eliminate the Fire Service and Safety Training Program; to repeal the original sections, and also section 79-341, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 1251. Introduced by Hartnett, 45; Schellpeper, 18.

A BILL FOR AN ACT relating to municipal planning; to amend sections 19-924, 19-925, and 19-929, Reissue Revised Statutes of Nebraska, 1943; to provide for interjurisdictional planning commissions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1252. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to sanitary and improvement districts; to provide for a petition relating to annexation of such districts; to provide powers and duties for certain city councils and boards of trustees as prescribed; to state effect; and to provide for entitlement to services as prescribed.

LEGISLATIVE BILL 1253. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to utilities; to amend sections 19-4601, 19-4602, 19-4606, 19-4607, 19-4610, 19-4616, and 19-4617, Reissue Revised Statutes of Nebraska, 1943; to provide for the disposition and use of information collected by municipalities from utilities under the Municipal Natural Gas Regulation Act; to provide duties for the State Energy Office; to redefine terms; to change provisions relating to rate filings and rate changes; to eliminate a provision relating to retroactivity of the Municipal Natural Gas Regulation Act; and to repeal the original sections, and also section 19-4623, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1254. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to sales and use tax; to amend section 77-2704, Revised Statutes Supplement, 1991; to exempt purchases by certain nonprofit corporations from taxation; and to repeal the original section.

LEGISLATIVE BILL 1255. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to divorce; to amend section 42-358, Revised Statutes Supplement, 1991; to provide attorney's fees for minor children's attorneys as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1256. Introduced by Withem, 14.

A BILL FOR AN ACT relating to cities and villages; to require an open-bidding process for bonds; and to provide for public disclosure of all bids, commissions, and other arrangements with respect to the bonds.

LEGISLATIVE BILL 1257. Introduced by Morrissey, 1.

A BILL FOR AN ACT relating to solid waste management; to amend sections 81-1501, 81-1502, 81-1504, 81-1505, 81-1506, 81-1507, 81-1511, 81-1512, 81-1516, 81-1527, 81-1566, and 81-1572 to 81-1574, Reissue Revised Statutes of Nebraska, 1943, and sections 81-1508 and 81-1528, Revised Statutes Supplement, 1991; to adopt the Integrated Solid Waste Management Act; to redefine terms; to change a penalty; to change the date of an exemption as prescribed; to change a termination date relating to the Litter Reduction and Recycling Act; to eliminate provisions relating to solid waste disposal plans, permits, and licenses and to disposal of household refuse; to provide and change penalties; to provide duties for the Department of Environmental Control and the Environmental Control Council; to harmonize provisions; and to repeal the original sections, and also sections 81-1517 to 81-1520, 81-1522, and 81-1571, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1258. Introduced by Kristensen, 37; Bohlke, 33; R. Johnson, 34.

A BILL FOR AN ACT relating to the Ethanol Authority and Development Act; to amend section 66-1320, Reissue Revised Statutes of Nebraska, 1943; to place a time limitation on applications for investments or letters of commitments by the board as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1259. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-355, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to the powers of building and loan associations; and to repeal the original section.

LEGISLATIVE BILL 1260. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to state investments; to state intent; to define terms; and to prohibit the investment of state funds in tobacco companies.

LEGISLATIVE BILL 1261. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to the Municipal Natural Gas Regulation Act; to amend section 19-4617, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the use of money loaned from the Municipal Natural Gas Regulation Revolving Loan Fund as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1262. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to limited liability companies; to provide for the registration of foreign limited liability companies; to define transacting business; to provide for service of process; and to provide duties for the Secretary of State.

LEGISLATIVE BILL 1263. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to solid waste facilities; to amend sections 13-1701 and 13-1704, Reissue Revised Statutes of Nebraska, 1943; to redefine a term; to change provisions relating to notice as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 1264. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to trail development; to amend section 37-1503, Revised Statutes Supplement, 1991; to impose a trail development fee on the sale of bicycles; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1265. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to minors; to amend section 43-2101, Reissue Revised Statutes of Nebraska, 1943, and section 42-364, Revised Statutes Supplement, 1991; to change provisions relating to support orders; to change the age of majority; and to repeal the original sections.

LEGISLATIVE BILL 1266. Introduced by Moore, 24.

A BILL FOR AN ACT relating to the Nebraska Revenue Act of 1967; to amend section 77-2701, Revised Statutes Supplement, 1991; to define a term; to provide for a tax on certain unearned income as prescribed; to provide for distribution of the revenue generated by the tax; to provide for rules and regulations; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1267. Introduced by Moore, 24.

A BILL FOR AN ACT relating to the Nebraska Arts Council; to amend section 82-313, Reissue Revised Statues of Nebraska, 1943; to provide an additional power for the council; and to repeal the original section.

LEGISLATIVE BILL 1268. Introduced by Moore, 24.

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend section 84-612, Revised Statutes Supplement, 1991; to eliminate a transfer from such fund; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1269. Introduced by Revenue Committee: Hall, 7, Chairperson; Haberman, 44; Hefner, 19; Landis, 46; Peterson, 21; Rogers, 41; Warner, 25; Will, 8.

A BILL FOR AN ACT relating to taxation; to amend section 60-1406, Reissue Revised Statutes of Nebraska, 1943, and section 77-202.24, Revised Statutes Supplement, 1991; to redefine the term cabin trailer; to change provisions relating to exemptions for certain veterans; and to repeal the original sections.

LEGISLATIVE BILL 1270. Introduced by Hall, 7.

A BILL FOR AN ACT relating to civil rights; to adopt the Nebraska Civil Rights Act of 1992.

LEGISLATIVE BILL 1271. Introduced by Hall, 7.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 83-380, Reissue Revised Statutes of Nebraska, 1943, section 81-15,158, Revised Statutes Supplement, 1990, and sections 77-2602, 79-2637, 79-2644, 79-3804, 79-3822, 85-121.03, 85-1416, and 85-1418, Revised Statutes Supplement, 1991; to change provisions governing state aid to certain governmental subdivisions; to repeal the Municipal Infrastructure Redevelopment Fund Act; to repeal provisions governing aid to certain governmental subdivisions; to reduce certain payments to schools; to reduce the tax on cigarettes; to state intent; to harmonize provisions; to provide an operative date; to repeal the original sections, and also sections 18-2601 to 18-2608, 77-27,136, 77-27,137, 77-27,137.01, 77-27,137.02, 77-27,139, and 79-2651.02, Reissue Revised Statutes of Nebraska, 1943, and sections 79-2651, 79-2651.04, 79-2651.05, and 79-2651.06, Revised Statutes Supplement, 1991; and to declare an emergency.

LEGISLATIVE BILL 1272. Introduced by Ashford, 6; Moore, 24.

A BILL FOR AN ACT relating to schools; to amend section 79-445, Revised Statutes Supplement, 1991; to change provisions relating to the cost of the education of a nonresident student who is in a foster family home and is a ward of the state or a court; and to repeal the original section.

LEGISLATIVE BILL 1273. Introduced by Schmit, 23.

A BILL FOR AN ACT relating to ground water; to state intent; to levy a severance tax on ground water delivered to a point outside of Nebraska; to provide for enforcement and collection of the tax; and to provide penalties.

LEGISLATIVE BILL 1274. Introduced by Schmit, 23.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1360.01, Revised Statutes Supplement, 1991; to change rates for valuation of agricultural land and horticultural land; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1275. Introduced by Schmit, 23.

A BILL FOR AN ACT relating to the Employment and Investment Growth Act; to amend sections 77-4105 and 77-4107, Reissue Revised Statutes of Nebraska, 1943, and section 77-202, Revised Statutes Supplement, 1991; to eliminate personal property exemptions from the act; to harmonize provisions; to provide for the applicability of the changes made by this legislative bill; and to repeal the original sections.

LEGISLATIVE BILL 1276. Introduced by Schmit, 23.

A BILL FOR AN ACT relating to school districts; to amend sections 13-503, 77-2701.01, 77-2701.02, 77-2715.01, 77-2715.02, and 77-2734.02, Reissue Revised Statutes of Nebraska, 1943, and section 79-328, Revised Statutes Supplement, 1990; to terminate the authority of school districts to levy a tax; to provide that operational expenses of schools be paid by the state; to provide duties for the State Board of Education and local school boards; to create a fund; to increase the income tax and the sales tax as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 1277. Introduced by R. Johnson, 34; Lamb, 43; Schmit, 23; Schrock, 39.

A BILL FOR AN ACT relating to water; to amend sections 46-122, 46-229.02, 46-229.04, and 46-254, Reissue Revised Statutes of Nebraska, 1943; to provide for certain transfers of water rights; to provide for notice of such transfers to the Department of Water Resources; to change provisions relating to a penalty; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1278. Introduced by Rasmussen, 20; Byars, 30; Robak, 22.

A BILL FOR AN ACT relating to nurses; to define terms; to provide for the administration of intravenous fluid treatment and nasogastric tube therapy by trained licensed practical nurses; and to provide for approval of educational programs.

LEGISLATIVE BILL 1279. Introduced by Pirsch, 10; Bohlke, 33; Chizek, 31; Conway, 17; Elmer, 38; Horgan, 4; Nelson, 35.

A BILL FOR AN ACT relating to roads; to amend sections 39-1365 and 81-1201.01 to 81-1201.03, Reissue Revised Statutes of Nebraska, 1943; to state findings; to define terms; to require the Legislature to adopt master plans for road construction; to adopt an initial master plan; to require a needs study; to provide powers to the Department of Roads; to rename the Department of Economic Development and the Director of Economic Development; to provide duties for the Revisor of Statutes; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1280. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-4101, 77-4105, and 77-4106, Reissue Revised Statutes of Nebraska, 1943, and section 77-2715.09, Revised Statutes Supplement, 1991; to limit an adjustment to income for capital gains; to eliminate a property tax exemption for turbine-powered aircraft; to change a provision which provides a refund of sales and use taxes; to limit the receipt of incentives, refunds, and credits under the Employment and Investment Growth Act; to prohibit use of credits for sales and use tax refunds; to require an analysis of certain tax programs; to provide for applicability of the changes made by this legislative bill; and to repeal the original sections.

LEGISLATIVE BILL 1281. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to title insurance; to amend sections 44-1927, 44-1933, 44-1936, 44-1940, 44-1951, 44-1953, 44-1956, 44-1957, 44-1959, 44-1960, 44-1961, and 44-1969, Revised Statutes Supplement, 1991; to redefine terms; to change and provide restrictions on business; to change applicability provisions; to change and provide powers and duties of the Director of Insurance; to require filings; to change waiting periods; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1282. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 43-504, 68-104, 68-126, 68-133, 68-139, 68-1020, 68-1026, 69-1317, 71-1,107.17, 71-1,107.30, 71-1,132.05, 71-1,132.18, 71-1,142, 71-2049, 71-2601, 71-2602, 71-2606, 71-5805.01, 71-5821.01, 71-5828, 71-5831, 71-5835, 71-5836.01, 71-5837, 71-5848, 71-5849, 71-5859, 71-5865, 71-5866, 77-1601, 77-2715.02, 77-2734.02, 79-444.01, and 83-380.01, Reissue Revised Statutes of Nebraska, 1943, section 60-4,115, Revised Statutes Supplement, 1990, and sections 53-160, 71-162, 71-5801, 71-5810, 71-5830, 71-7010, 77-2602, and 77-2702, Revised Statutes Supplement, 1991; to designate the Health Care Reform Act; to adopt the Small Business Health Insurance Access Corporation Act, the Health Care Data Commission Act, the Community Public Health Services Act, the Childhood Vaccine Act, the Rural Health Innovation and Enhancement Act, and the Rehabilitation and Support Mental Health Services Incentive Act; to change provisions relating to responsibility, requirements, waivers, standards, and procedures for medical assistance to the poor; to provide for audits; to limit the total cost of medical assistance; to provide for services for pregnant women and for children as prescribed; to provide for children's mental health teams; to create the position of coordinator of children's mental health services; to provide for drug-related and alcohol-related treatment and services as prescribed; to create funds and provide for funding and disbursement thereof; to create the Commission on Health Promotion and Physical Fitness; to provide powers and duties for the commission; to state intent to appropriate funds; to state intent with respect to funding the Health Care Reform Act; to change provisions relating to Aid to Dependent Children, motor vehicle operators' license and permit fees, and license renewal fees for physicians; to change provisions relating to supervision of and prescribing of medications by physician assistants; to provide for clinical nurse specialists; to require hospitals and ambulatory surgical facilities to provide readable and understandable bills; to change provisions relating to members of the State Board of Health; to add, change, and eliminate provisions relating to health care certificates of need; to change provisions relating to taxes on cigarettes, sales, and individual and corporate incomes; to change provisions relating to eligibility for certain mental health benefits as prescribed; to harmonize provisions; to provide operative dates; and to repeal the original sections, and also sections 71-2602.01, 71-5813.03, 71-5825, 71-5826, 71-5829, 71-5832.01, and 71-5859.01 to 71-5859.04, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1283. Introduced by Will, 8; Hall, 7.

A BILL FOR AN ACT relating to motor vehicle operators' licenses; to amend section 60-4,119, Revised Statutes Supplement, 1990; to provide for unalterable identification cards and motor vehicle licenses; and to repeal the original section.

LEGISLATIVE BILL 1284. Introduced by Ashford, 6; Rasmussen, 20.

A BILL FOR AN ACT relating to schools and school districts; to amend section 79-803.03, Reissue Revised Statutes of Nebraska, 1943; to require a referendum on the question of changing the method of nomination of candidates for election to certain boards of education; and to repeal the original section.

LEGISLATIVE BILL 1285. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to revenue and taxation; to adopt the Health Services Availability Act; and to provide an operative date.

LEGISLATIVE BILL 1286. Introduced by Schmit, 23.

A BILL FOR AN ACT relating to health care costs; to amend section 44-4228, Revised Statutes Supplement, 1991; to state intent; to provide for a moratorium as prescribed under the Health Care Certificate of Need Act; to require a study; to establish limits on certain payments and rates made or established by the Department of Social Services; to require reports; to change provisions relating to coverage under the Comprehensive Health Insurance Pool; to require financial disclosure as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1287. Introduced by Schmit, 23.

A BILL FOR AN ACT relating to courts; to amend section 24-212, Reissue Revised Statutes of Nebraska, 1943, and section 24-1104, Revised Statutes Supplement, 1991; to require the Reporter of the Supreme Court to make a magnetic media version of the opinions of appellate courts available; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1288. Introduced by Schmit, 23.

A BILL FOR AN ACT relating to industrial loan and investment companies; to create a fund; to provide for use of the fund; to provide duties for the Attorney General; and to state intent.

LEGISLATIVE BILL 1289. Introduced by Schmit, 23; Hall, 7.

A BILL FOR AN ACT relating to lotteries; to amend sections 9-315, 9-607, and 9-625, Reissue Revised Statutes of Nebraska, 1943; to redefine the term pickle card; to authorize counties, cities, and villages to conduct more than one type of lottery as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1290. Introduced by Ashford, 6.

A BILL FOR AN ACT relating to schools and school districts; to amend section 79-803.03, Reissue Revised Statutes of Nebraska, 1943; to require an election on the question of changing the method of nomination of candidates for election to certain boards of education; and to repeal the original section.

LEGISLATIVE BILL 1291. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to schools and school districts; to amend sections 79-201 and 79-2011, Reissue Revised Statutes of Nebraska, 1943; to change age limits relating to compulsory education; to provide for a supervised, structured environment for students during the school day as prescribed; to provide powers and duties for school districts and the State Department of Education; to harmonize provisions; and to repeal the original sections.

RESOLUTIONS

LEGISLATIVE RESOLUTION 229CA. Introduced by Wehrbein, 2; Lamb, 43.

A resolution to propose amending the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at a special election on May 12, 1992, there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska to amend Article VIII, sections 1, 2, and 5:

CVIII-1 "The necessary revenue of the state and its governmental subdivisions shall be raised by taxation in such manner as the Legislature may direct. ~~Taxes shall be levied by valuation uniformly and proportionately upon all tangible property and franchises, except that: (1)~~

~~The~~ Notwithstanding Article I, section 16, Article III, section 18, or Article VIII, section 4, of this Constitution or any other provision of this Constitution to the contrary: (1) Taxes shall be levied by valuation uniformly and proportionately upon all real property and franchises as defined by the Legislature except as otherwise provided in or permitted by this Constitution; (2) tangible personal property, as defined by the Legislature, unless exempt by this Constitution or by legislation, may be taxed in whole or in part by valuation or otherwise in such manner as the Legislature may direct; (3) the Legislature may provide for a different method of taxing motor vehicles and may also establish a separate class of motor vehicles consisting of those owned and held for resale by motor vehicle dealers which shall be taxed in the manner and to the extent provided by the Legislature and may also establish a separate class for trucks, trailers, semitrailers, truck-tractors, or combinations thereof, consisting of those owned by residents and nonresidents of this state, and operating in interstate commerce, and may provide reciprocal and proportionate taxation of such vehicles; PROVIDED, that such tax proceeds from motor vehicles taxed in each county shall be allocated to the ~~state,~~ counties, townships, cities, villages, ~~and~~ school districts, and other governmental subdivisions of such county in the same proportion that the levy of each bears to the total levy of the county on ~~personal tangible~~ taxable property; ~~and (2)~~ (4) the Legislature may provide that agricultural land and horticultural land, as defined by the Legislature, shall constitute a separate and distinct class of property for purposes of taxation and may provide for a different method of taxing agricultural land and horticultural land which results in values that are not uniform and proportionate with all other ~~tangible~~ real property and franchises but which results in values that are uniform and proportionate upon all property within the class of agricultural land and horticultural land; (5) the ~~. The~~ Legislature may enact laws to provide that the value of land actively devoted to agricultural or horticultural use shall for property tax purposes be that value which such land has for agricultural or horticultural use without regard to any value which such land might have for other purposes or uses; (6) the Legislature ~~and~~ may prescribe standards and methods for the determination of the value of real ~~or other tangible~~ property at uniform and proportionate values; (7) a method of valuing, assessing, and taxing tangible personal property which may be adopted by the Legislature may include, but is not limited to, a method which is based upon the laws of the United States in effect from time to time; (8) in furtherance of the purposes for which a law of the United States has been adopted, whenever there exists a law of the United States which is intended to protect a specifically designated type, use, user, or owner of property or franchise from discriminatory state or local taxation, such property or franchise may constitute a separate class of property or franchise under the laws of the State of Nebraska, and such property or franchise may not be taken into consideration in determining whether taxes are levied by valuation uniformly or proportionately upon any property or franchise, and the Legislature may enact laws which statutorily recognize such class and which tax or exempt from taxation such class of property or franchise in such manner as it determines; and (9) the Legislature may provide that livestock shall constitute a separate and distinct class of property for purposes of taxation and may further provide for reciprocal and proportionate taxation of livestock located in this state for only part of a year. Taxes uniform as to class of property or the ownership or use thereof may be levied by valuation or otherwise upon classes of intangible property as the Legislature may determine, and such intangible property held in trust or otherwise for the purpose of funding pension, profit-sharing, or other employee benefit plans as defined by the Legislature may be declared exempt from taxation. Taxes other than property taxes may be authorized by law. Existing revenue laws shall continue in effect until changed by the Legislature. Amendments to Article VIII of this Constitution shall be effective from and after January 1 of the year in which such amendments are approved, and existing revenue laws not inconsistent with this Constitution as amended shall be considered ratified and confirmed by such amendment without the need for legislative reenactment of such laws. ~~The Legislature may provide that livestock shall constitute a separate and distinct class of property for purposes of taxation and may further provide for reciprocal and proportionate taxation of livestock located in this state for only part of a year.~~"

CVIII-2 "Notwithstanding Article I, section 16, Article III, section 18, or Article VIII, sections 1 or 4, of this Constitution or any other provision of this Constitution to the contrary: (1) The property of the state and its governmental subdivisions shall constitute a separate class of property and shall be exempt from taxation; (2) the ~~. The~~ Legislature by general law may classify and exempt from taxation property owned by and used exclusively for agricultural and horticultural societies~~,~~ and property owned and used exclusively for educational, religious, charitable, or cemetery purposes, when such property is not owned or used for financial gain or profit to either the owner or user; (3) household ~~. Household~~ goods and personal effects, as defined by law, may be exempted from taxation in whole or in part, as may be provided by general law, and the Legislature may prescribe a formula for the determination of value of household goods and personal effects; (4) the ~~. The~~ Legislature by general law may provide that the increased value of land by reason of shade or ornamental trees planted along the highway shall not be taken into account in the assessment of such land; (5) the ~~. The~~ Legislature by general law and upon any terms, conditions, and restrictions it prescribes, may provide that the increased value of real property resulting from improvements designed primarily for energy conservation may be exempt from taxation; (6) the ~~. The~~ value of a home substantially contributed by the ~~Veterans' Administration of the~~ United States Department of Veterans Affairs for a paraplegic veteran or multiple amputee shall be exempt from taxation during the life of such veteran or until the death ~~of his widow or her~~ or remarriage~~. The~~ of his or her surviving spouse; (7) the Legislature may exempt from an intangible property tax life insurance and life insurance annuity contracts and any payment connected therewith and any right to pension or retirement payments; (8) the Legislature may exempt inventory and farm products from taxation; (9) the ~~. The~~ Legislature may define and classify personal property in such manner as it sees fit, whether by type, use, user, or owner, and may exempt any ~~of~~ such class or classes~~,~~ or may exempt all personal property from taxation; (10) no ~~. No~~ property shall be exempt from taxation except as permitted by or as provided in ~~the~~ this Constitution; and (11) the ~~. The~~ Legislature may by general law provide that a portion of the value of any residence actually occupied as a homestead by any classification of owners as determined by the Legislature shall be exempt from taxation."

CVIII-5 "County authorities shall never assess taxes the aggregate of which shall exceed fifty cents per one hundred dollars ~~actual valuation~~ of taxable value as determined by the assessment rolls, except for the payment of indebtedness existing at the adoption hereof, unless authorized by a vote of the people of the county.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

> "A constitutional amendment to authorize the Legislature to provide for the taxation of tangible personal property in such manner as the Legislature may direct, for the separation of personal property from the uniformity and proportionality provisions which apply to real property, and for the separate classification of certain property and franchises and to harmonize a provision relating to the limitation on county taxes.
>
> For
>
> Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 230CA. Introduced by Schmit, 23.

A resolution to propose amending the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the primary election in May 1992, there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska to amend Article VIII, section 1:

CVIII-1 "The necessary revenue of the state and its governmental subdivisions shall be raised by taxation in such manner as the Legislature may direct. ~~Taxes shall be levied by valuation uniformly and proportionately upon all tangible property and franchises, except that: (1) The Legislature may provide for a different method of taxing motor vehicles and may also establish a separate class of motor vehicles consisting of those owned and held for resale by motor vehicle dealers which shall be taxed in the manner and to the extent provided by the Legislature and may also establish a separate class for trucks, trailers, semitrailers, truck-tractors, or combinations thereof, consisting of those owned by residents and nonresidents of this state, and operating in interstate commerce, and may provide reciprocal and proportionate taxation of such vehicles; PROVIDED, that such tax proceeds from motor vehicles taxed in each county shall be allocated to the state, counties, townships, cities, villages, and school districts of such county in the same proportion that the levy of each bears to the total levy of the county on personal tangible property; and (2) the Legislature may provide that agricultural land and horticultural land, as defined by the Legislature, shall constitute a separate and distinct class of property for purposes of taxation and may provide for a different method of taxing agricultural land and horticultural land which results in values that are not uniform and proportionate with all other tangible property and franchises but which results in values that are uniform and proportionate upon all property within the class of agricultural land and horticultural land. The Legislature may enact laws to provide that the value of land actively devoted to agricultural or horticultural use shall for property tax purposes be that value which such land has for agricultural or horticultural use without regard to any value which such land might have for other purposes or uses and may prescribe standards and methods for the determination of the value of real or other tangible property at uniform and proportionate values. Taxes uniform as to class of property or the ownership or use thereof may be levied by valuation or otherwise upon classes of intangible property as the Legislature may determine, and such intangible property held in trust or otherwise for the purpose of funding pension, profit-sharing, or other employee benefit plans as defined by the Legislature may be declared exempt from taxation. Taxes other than~~

~~property taxes may be authorized by law. Existing revenue laws shall continue in effect until changed by the Legislature. The Legislature may provide that livestock shall constitute a separate and distinct class of property for purposes of taxation and may further provide for reciprocal and proportionate taxation of livestock located in this state for only part of a year.~~".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to authorize the Legislature to provide for taxation in such manner as it may direct.
For
Against".

Referred to the Reference Committee.

VISITORS

Visitors to the Chamber were 30 students and teacher from Hastings College; 9 students and sponsor from Villa Marie School; and 11 students and teacher from District 13.

ADJOURNMENT

At 12:01 p.m., on a motion by Mrs. Pirsch, the Legislature adjourned until 9:00 a.m., Thursday, January 23, 1992.

Patrick J. O'Donnell
Clerk of the Legislature

ELEVENTH DAY - JANUARY 23, 1992

LEGISLATIVE JOURNAL

ELEVENTH DAY - JANUARY 23, 1992

LEGISLATIVE JOURNAL

NINETY-SECOND LEGISLATURE
SECOND SESSION

ELEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 23, 1992

Pursuant to adjournment, the Legislature met at 9:02 a.m., Speaker Baack presiding.

PRAYER

The prayer was offered by Pastor Judy Walsh, First Plymouth Congregational Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Lindsay who was excused; and Messrs. Beutler, Chambers, Haberman, Hall, Horgan, L. Johnson, R. Johnson, Morrissey, Schmit, Schrock, and Will who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the tenth day was approved.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 52. Indefinitely postponed.
LEGISLATIVE BILL 116. Indefinitely postponed.
LEGISLATIVE BILL 131. Indefinitely postponed.
LEGISLATIVE BILL 132. Indefinitely postponed.
LEGISLATIVE BILL 173. Indefinitely postponed.
LEGISLATIVE BILL 179. Indefinitely postponed.

LEGISLATIVE BILL 293. Indefinitely postponed.
LEGISLATIVE BILL 389. Indefinitely postponed.
LEGISLATIVE BILL 426. Indefinitely postponed.
LEGISLATIVE BILL 464. Indefinitely postponed.
LEGISLATIVE BILL 481. Indefinitely postponed.
LEGISLATIVE BILL 490. Indefinitely postponed.
LEGISLATIVE BILL 512. Indefinitely postponed.
LEGISLATIVE BILL 587. Indefinitely postponed.
LEGISLATIVE BILL 684. Indefinitely postponed.
LEGISLATIVE BILL 751. Indefinitely postponed.
LEGISLATIVE BILL 785. Indefinitely postponed.

LEGISLATIVE RESOLUTION 6CA. Indefinitely postponed.
LEGISLATIVE RESOLUTION 8CA. Indefinitely postponed.

(Signed) Ron Withem, Chairperson

Transportation

LEGISLATIVE BILL 899. Placed on General File.

LEGISLATIVE BILL 379. Indefinitely postponed.

(Signed) Doug Kristensen, Chairperson

ANNOUNCEMENT

Mr. Coordsen designates LB 360 as his priority bill.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 823. Placed on Select File as amended.
E & R amendment to LB 823:
AM5211

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 43-102, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-102. Except as otherwise provided in the Nebraska Indian Child Welfare Act, any person or persons desiring to adopt a minor child or an adult child of such person's spouse shall file, in the county court of the county in which the person or persons desiring to adopt such child reside, a petition for adoption, signed and sworn to by the person or persons desiring to adopt, ~~together with~~ the consent or consents required by section 43-104 or 43-104.07, ~~and~~ the certificates required by sections 43-104.02 to 43-104.06 or the documents required by section 43-104.07, and a completed preplacement home study if required by section 43-107.

Except as set out in subdivisions (1)(b)(ii), (iii), and (iv) of section 43-107, an adoption decree shall not be issued until at least six months after a home study has been completed.

Sec. 2. That section 43-107, Revised Statutes Supplement, 1990, be amended to read as follows:

43-107. (1)(a) For adoption placements occurring or in effect prior to January 1, 1993, upon ~~Upon~~ the filing of a petition for adoption, the county judge shall, except in the adoption of children by stepparents when the requirement of an investigation is discretionary, request the Department of Social Services or any child placement agency licensed by the department to examine into the allegations set forth in the petition and to ascertain any other facts relating to such minor child and the person or persons petitioning to adopt such child as may be relevant to the propriety of such adoption, except that the county judge shall not be required to request such an examination if the judge determines that information compiled in a previous examination or study is sufficiently current and comprehensive. Upon the request being made, the Department of Social Services or other licensed agency shall conduct an investigation and report its findings to the county judge in writing at least one week prior to the date set for hearing.

(b)(i) For adoption placements occurring on or after January 1, 1993, upon the filing of a petition for adoption, a preplacement home study, completed within one year before the date on which the adoptee is placed with the petitioner or petitioners, shall be filed with the county court.

(ii) A home study shall not be required when the petitioner is a stepparent of the adoptee unless required by the court, except that the county judge shall order the department to conduct a law enforcement check and a check of the central register created in section 28-718 for any history of the petitioner of behavior injurious to or which may endanger the health or morals of a child. An adoption decree shall not be issued until a report of the findings of the department are on file with the court.

(iii) The placement of a child for foster care made by or facilitated by the department or a licensed child placement agency in the home of a person who later petitions the court to adopt the child shall be exempt from the requirements of a preplacement home study. The petitioner or petitioners who meet such criteria shall be required to have a postplacement home study completed and filed with the county court at least one week prior to the hearing for adoption.

(iv) A voluntary placement for purposes other than adoption made by a parent or guardian of a child without assistance from an attorney, physician, or other individual or agency which later results in a petition for the adoption of the child shall be exempt from the requirements of a preplacement home study. The petitioner or petitioners who meet such criteria shall be required to have a postplacement home study completed and filed with the county court at least one week prior to the hearing for adoption.

(v) Any home study required by this section shall be conducted by the department or a licensed child placement agency at the expense of the petitioner or petitioners. The department or licensed agency shall determine the fee or rate for the home study.

(vi) The preplacement or postplacement home study shall be performed as prescribed in rules and regulations of the department and shall include at a minimum an examination into the facts relating to the petitioner or petitioners as may be relevant to the propriety of such adoption and may include appropriate facts relating to the adoptee if such adoptee is known. Such rules and regulations shall require a home study to include a law enforcement check and a check of the central register created in section 28-718 for any history of the petitioner or petitioners of behavior injurious to or which may endanger the health or morals of a child.

(2) Upon the filing of a petition for adoption, the county judge shall require that a complete medical history be provided on the child, except that in the adoption of a child by a stepparent the provision of a medical history shall be discretionary. A medical history shall be provided, if available, on the biological mother and father and their biological families, including, but not limited to, siblings, parents, grandparents, aunts, and uncles, unless the child is foreign born or was abandoned. The medical history or histories shall be reported on a form provided by the Bureau of Vital Statistics and filed along with the report of adoption as provided by section 71-626. If the medical history or histories do not accompany the report of adoption, the Bureau of Vital Statistics shall inform the county court and the State Court Administrator. The medical history or histories shall be made part of the court record. After the entry of a decree of adoption, the court shall retain a copy and forward the original medical history or histories to the Bureau of Vital Statistics. This subsection shall only apply when the relinquishment or consent for an adoption is given on or after September 1, 1988.

Sec. 3. That original section 43-102, Reissue Revised Statutes of Nebraska, 1943, and section 43-107, Revised Statutes Supplement, 1990, are repealed.".

2. On page 1, line 4, strike "preplacement"; and in line 5 after "study" insert "and background check".

LEGISLATIVE BILL 823A. Placed on Select File as amended.
E & R amendment to LB 823A:
AM5209

1. On page 1, line 4, strike "First Session, 1991" and insert "Second Session, 1992".

LEGISLATIVE BILL 542. Placed on Select File as amended.
E & R amendment to LB 542:
AM5210

1. Strike the original sections and all

amendments thereto and insert the following new sections:

"Section 1. That section 50-1003, Revised Statutes Supplement, 1990, be amended to read as follows:

50-1003. There is hereby created the Legislative Academy for Youth Leadership. The academy shall be conducted under the direction of the ~~Legislature~~ Executive Board of the Legislative Council and shall be administered and coordinated by the Director of Research of the Legislature. The Executive Board of the Legislative Council may appoint a committee of up to three legislators to work with the director in overseeing the general administration and expenses of the academy.

Sec. 2. That original section 50-1003, Revised Statutes Supplement, 1990, is repealed.

Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 1, strike beginning with "sections" in line 2 through line 8 and insert "section 50-1003, Revised Statutes Supplement, 1990; to change the administration of the Legislative Academy for Youth Leadership; to repeal the original section; and to declare an emergency.".

(Signed) Eric Will, Chairperson

NOTICE OF COMMITTEE HEARINGS
Appropriations

LB 1027 Thursday, January 30, 1992 1:30 p.m.

Thursday, January 30, 1992, Room 1003 1:30 p.m.
Agency 12 - State Treasurer
Agency 21 - State Fire Marshal
Agency 22 - Department of Insurance
Agency 66 - Board of Examiners Abstracters
Agency 84 - Department of Environmental Control
Agency 85 - Employees Retirement Board

Friday, January 31, 1992, Room 1003 1:30 p.m.
Agency 16 - Department of Revenue
Agency 31 - Military Department
Agency 09 - Secretary of State
Agency 14 - Public Service Commission
Agency 23 - Department of Labor

(Signed) Scott Moore, Chairperson

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LR 224, LR 221, and LR 226.

MOTION - Approve Appointments

Mr. Dierks moved the adoption of the report of the Education Committee for the following Governor appointments found in the Journal on page 405: Judy Schweikart and Harold McClure - Nebraska Educational Telecommunications Commission.

Voting in the affirmative, 27:

Abboud
Ashford
Baack
Bernard-Stevens
Bohlke
Byars
Chizek
Conway
Crosby
Cudaback
Dierks
Elmer
Hillman
Kristensen
Lamb
Landis
Lynch
Moore
Peterson
Pirsch
Rasmussen
Schellpeper
Schimek
Wehrbein
Wesely
Wickersham
Withem

Voting in the negative, 0.

Present and not voting, 10:

Beyer
Coordsen
Hartnett
Hefner
Labedz
Nelson
Robak
Robinson
Rogers
Warner

Excused and not voting, 12:

Beutler
Chambers
Haberman
Hall
Horgan
Johnson, L.
Johnson, R.
Lindsay
Morrissey
Schmit
Schrock
Will

These appointments were confirmed with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 126. Title read. Considered.

Mr. Elmer renewed his pending amendment, FA62, found in the Journal on page 1256, First Session, 1991.

The Elmer amendment was adopted with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

Advanced to E & R for review with 31 ayes, 0 nays, 7 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 757. Title read. Considered.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

Advanced to E & R for review with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 758. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 434. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 435. Title read. Considered.

Advanced to E & R for review with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 734. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 711. Mr. Ashford asked unanimous consent to pass over. No objections. So ordered.

LEGISLATIVE BILL 28. Title read. Considered.

Advanced to E & R for review with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 560. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 643. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 49. Title read. Considered.

Mr. Schmit renewed his pending amendment, AM2328, found in the Journal on page 192.

The Schmit amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 661. Title read. Considered.

Failed to advance to E & R for review with 10 ayes, 16 nays, 19 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 489. Title read. Considered.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for review with 26 ayes, 1 nay, 17 present and not voting, and 5 excused and not voting.

NOTICE OF COMMITTEE HEARINGS
Judiciary

LB 925	Thursday, January 30, 1992	1:30 p.m.
LB 957	Thursday, January 30, 1992	1:30 p.m.
LB 1127	Thursday, January 30, 1992	1:30 p.m.
LB 1059	Friday, January 31, 1992	1:30 p.m.

(Signed) Jerry Chizek, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 231. Introduced by Abboud, 12.

WHEREAS, there are many Nebraska citizens who enjoy the hobby of collecting, preserving, restoring, and maintaining historical motor vehicles; and

WHEREAS, the hobbyists and their families participate in vehicle-related activities and share their interest with other persons who are not collectors but who enjoy an interest in historical vehicles; and

WHEREAS, some of the activities include car shows, swap meets, interclub meets, concours, and tours featuring such historical vehicles.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That June 14-20, 1992, be designated as Nebraska Old Vehicle Hobby interest Recognition Week.

Laid over.

LEGISLATIVE RESOLUTION 232. Introduced by Ashford, 6; Abboud, 12; Baack, 47; Bernard-Stevens, 42; Beutler, 28; Beyer, 3; Bohlke, 33; Byars, 30; Chizek, 31; Conway, 17; Coordsen, 32; Crosby, 29; Cudaback, 36; Dierks, 40; Elmer, 38; Hartnett, 45; Hefner, 19; Hillman, 48; Horgan, 4; R. Johnson, 34; Kristensen, 37; Lamb, 43; Landis, 46; Lynch, 13; Moore, 24; Morrissey, 1; Pirsch, 10; Rasmussen, 20; Robinson, 16; Rogers, 41; Schellpeper, 18; Schrock, 39; Warner, 25; Wehrbein, 2; Wesely, 26; Wickersham, 49; Will, 8; Withem, 14.

PURPOSE:
WHEREAS, the development of existing and potential new markets for Nebraska's goods and services, both rural and urban, could be significantly enhanced by the development of an exposition and convention complex--a Nebraskaplex; and

WHEREAS, Nebraska could increase convention and tourism revenue and attract new businesses and homeowners to our state if this Nebraskaplex also served as a sports and entertainment complex competitive with similar centers located in metropolitan areas throughout the country; and

WHEREAS, from time to time the City of Omaha and Douglas County have expressed an interest in participating in such a multiuse complex; and

WHEREAS, the City of Omaha and Douglas County serve as the principal financial, communications, and transportation center for the state; and

WHEREAS, Nebraskaplex would serve as a bridge between rural Nebraska and the state's largest city; and

WHEREAS, the City of Omaha and Douglas County are geographically and commercially best situated for such a Nebraskaplex to serve the entire State of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to determine the benefits and costs to the state of participating in such a project.
2. That the Appropriations Committee of the Legislature shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 459. Placed on General File as amended.
Standing Committee amendment to LB 459:
AM2420

1. Insert the following new section:
"Sec. 6. Any law enforcement officer who

seizes or disposes of any property in violation of this act shall be guilty of a Class I misdemeanor unless the penalty is greater under sections 28-501 to 28-523 or the Uniform Controlled Substances Act.

Sec. 29. (1) When any legislation is enacted after June 30, 1992, which is projected to increase the total adult inmate population or total juvenile population in state correctional facilities, the Legislature shall include in the legislation an estimate of the operating costs resulting from such increased population for the first two fiscal years during which the legislation will be in effect. The estimate shall be based on the amounts estimated in the fiscal note prepared by the Legislative Fiscal Analyst for such legislation. The Legislature shall provide by specific itemized appropriation for the fiscal year or years for which it can make valid appropriations an amount sufficient to meet the cost indicated in the estimate for such fiscal year or years. The appropriation shall be enacted in the same legislative session in which the legislation is enacted and shall be contained in a separate appropriation bill. Any legislation enacted after June 30, 1992, which does not include the required estimate and is not accompanied by the required appropriation bill shall be null and void. For purposes of this section, operating costs shall include only adult inmate and juvenile per diem and medical expenses.

(2) Funds appropriated pursuant to this section shall be reserved and used as a contingency funds by the Department of Correctional Services. The Legislature shall appropriate all contingency funds to a separate and distinct budget program. The Department of Administrative Services budget division is authorized to transfer appropriations from the contingency program to the budget program of any correctional facility upon written certification by the Director of Correctional Services that the operating costs appropriated by the Legislature have been exhausted. Contingency funds shall only be expended on such operating costs.".

2. On page 4, line 1, after "substance" insert "as defined in subdivision (4) of section 28-401".

3. On page 13, line 8, strike "or" and insert

", any interest holder in, and"; in line 11 strike "his or her" and insert "their"; in line 12 strike "address" and insert "addresses"; and in line 15 after "owner" insert ", interest holder, or person having an interest in the property".

4. On page 14, line 2, after "property" insert ", interest holder, or person having an interest in the property".

5. On page 24, line 9, strike "and" and show as stricken; and in line 10 after "purchases" insert ";

(4) Money for weapons purchases;

(5) Money for the purchase, lease, or repair of electronic office equipment; and

(6) Money for the procurement of training of officers in the enforcement of controlled substances laws".

6. Renumber the remaining sections and correct internal references accordingly.

(Signed) Jerry Chizek, Chairperson

Natural Resources

LEGISLATIVE BILL 890. Placed on General File.
LEGISLATIVE BILL 948. Placed on General File.

LEGISLATIVE BILL 563. Indefinitely postponed.

(Signed) Rod Johnson, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 907. Placed on General File.

LEGISLATIVE BILL 993. Placed on General File as amended.
Standing Committee amendment to LB 993:
AM2462

1. On page 3, line 3, strike "by assignment or otherwise".

(Signed) David Landis, Chairperson

Urban Affairs

LEGISLATIVE BILL 369. Placed on General File.
LEGISLATIVE BILL 928. Placed on General File.
LEGISLATIVE BILL 933. Placed on General File.
LEGISLATIVE BILL 950. Placed on General File.
LEGISLATIVE BILL 968. Placed on General File.

(Signed) D. Paul Hartnett, Chairperson

GENERAL FILE

LEGISLATIVE BILL 111. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Lynch asked unanimous consent to be excused. No objections. So ordered.

MR. MORRISSEY PRESIDING

LEGISLATIVE BILL 691. Title read. Considered.

Mr. Bernard-Stevens asked unanimous consent to pass over LB 691. No objections. So ordered.

LEGISLATIVE BILL 169. Title read. Considered.

Standing Committee amendment, AM0244, found in the Journal on page 652, First Session, 1991, lost with 3 ayes, 23 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

SPEAKER BAACK PRESIDING

LEGISLATIVE BILL 274. Title read. Considered.

Standing Committee amendment, AM0282, found in the Journal on page 732, First Session, 1991, was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Messrs. Wehrbein and Rogers renewed their pending amendment, AM0556, found in the Journal on page 925, First Session, 1991.

The Wehrbein-Rogers amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 722. Title read. Considered.

Standing Committee amendment, AM0340, found in the Journal on page 734, First Session, 1991, was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 366. Title read. Considered.

Standing Committee amendment, AM0058, found in the Journal on page 737, First Session, 1991, was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 366A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 415. Title read. Considered.

Standing Committee amendment, AM0279, found in the Journal on page 790, First Session, 1991, was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Coordsen asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Messrs. Dierks, Schellpeper, and Peterson asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 465. Title read. Considered.

Standing Committee amendment, AM0374, found in the Journal on page 805, First Session, 1991, was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Messrs. Beyer and Wehrbein asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Landis moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Bernard-Stevens requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 23:

Abboud
Ashford
Beutler
Bohlke
Chambers
Chizek
Conway
Cudaback
Elmer
Hall
Hartnett
Hillman
Horgan
Labedz
Landis
Morrissey
Nelson
Robak
Rogers
Schrock
Warner
Wehrbein
Wesely

Voting in the negative, 7:

Baack
Bernard-Stevens
Crosby
Haberman
Kristensen
Lamb
Robinson

Present and not voting, 10:

Byars
Hefner
Johnson, R.
Moore
Pirsch
Rasmussen
Schimek
Wickersham
Will
Withem

Excused and not voting, 9:

Beyer
Coordsen
Dierks
Johnson, L.
Lindsay
Lynch
Peterson
Schellpeper
Schmit

Failed to advance to E & R for review with 23 ayes, 7 nays, 10 present and voting, and 9 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 706. Title read. Considered.

Standing Committee amendment, AM0419, found in the Journal on page 822, First Session, 1991, was considered.

Mmes. Labedz, Hillman, Messrs. Kristensen, and Haberman asked unanimous consent to be excused. No objections. So ordered.

The Standing Committee amendment was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Mr. Schellpeper asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 706A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 169A. Mr. Wesely moved to indefinitely postpone.

The Wesely motion to indefinitely postpone prevailed with 20 ayes, 0 nays, 18 present and not voting, and 11 excused and not voting.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 18. Indefinitely postponed.

(Signed) Gerald Conway, Chairperson

Revenue

LEGISLATIVE BILL 982. Placed on General File.

LEGISLATIVE BILL 1004. Placed on General File.

LEGISLATIVE BILL 997. Placed on General File as amended.
Standing Committee amendment to LB 997:
AM2472

1. On page 2, strike beginning with "and" in line 8 through "state" in line 9; and in line 22 after "vehicles" insert ", semitrailers, trailers, and truck-tractors".

2. On page 3, line 4, after "vehicles" insert ", semitrailers, trailers, and truck-tractors".

LEGISLATIVE BILL 1013. Placed on General File as amended.
Standing Committee amendment to LB 1013:
AM2482

1. Insert the following new section:

"Sec. 24. That original section 66-1221, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

2. On page 23, line 20, strike "19" and insert "21"; in line 21 strike "19, and 20" and insert "and 22"; and in line 22 after the period insert "Sections 19 and 24 of this act shall become operative on January 1, 1993.".

3. On page 24, line 3, strike the first comma and insert "and"; and in line 4 strike "and 66-1221,".

4. Renumber the remaining sections and correct internal references accordingly.

(Signed) Tim Hall, Chairperson

NOTICE OF COMMITTEE HEARINGS
Health and Human Services

LB 1019	Thursday, January 30, 1992	1:30 p.m.
LB 987	Thursday, January 30, 1992	1:30 p.m.
LB 1099	Thursday, January 30, 1992	1:30 p.m.
LB 1016	Thursday, January 30, 1992	1:30 p.m.
LB 1058	Friday, January 31, 1992	1:30 p.m.
LB 1138	Friday, January 31, 1992	1:30 p.m.

(Signed) Don Wesely, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Will asked unanimous consent to print the following amendment to LB 307 in the Journal. No objections. So ordered.

AM2464

1. Strike the original sections and insert the following new sections:

"Section 1. That section 14-1103.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

14-1103.02. In addition to any other rights and powers conferred upon metropolitan water districts and metropolitan utilities districts under ~~the provisions of~~ Chapter 14, articles 10 and 11, such districts shall have and may exercise the power of eminent domain for the purpose of erecting, constructing, locating, maintaining, or supplying such waterworks, gas works, or mains, or the extension of any system of waterworks, water supply, gas works, or gas supply. Any ~~, and any~~ such district may go beyond its territorial limits and may take, hold, or acquire rights, property, and real estate, or either or any of the same, by purchase or otherwise. Such a district may for such purposes take, hold, and condemn any and all necessary property but may not condemn property or exercise the power of eminent domain to acquire parts of an existing utility except when such existing utility is annexed, merged, or otherwise consolidated within the corporate limits of any city of the metropolitan class and except for gas and water easements in its service area. The procedure to condemn property shall be exercised in the manner set forth in sections 76-704 to 76-724.

Sec. 2. No metropolitan water district or metropolitan utilities district may extend or enlarge its service area unless it is economically feasible to do so. In determining whether or not to extend or enlarge its service area, the district shall take into account the cost of such extension or enlargement to its existing ratepayers.

All books, records, vouchers, papers,

contracts, or other data indicating the economic feasibility of such extension or enlargement shall be filed with the secretary of the board of directors of the district and shall be open to public inspection.

Sec. 3. That original section 14-1103.02, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

UNANIMOUS CONSENT - Add Cointroducers

Mr. Conway asked unanimous consent to have his name added as cointroducer to LB 1081. No objections. So ordered.

Mr. Hartnett asked unanimous consent to have his name added as cointroducer to LB 1257. No objections. So ordered.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the rereferral of legislative bill 1184 and the referral of legislative bills 1193 through 1200, 1202 through 1240, 1242 through 1257, 1259 through 1283, 1285 through 1291, and legislative resolutions 229CA and 230CA.

LB	Committee
1184	Health and Human Services
1193	Government, Military and Veterans Affairs
1194	Education
1195	Judiciary
1196	Nebraska Retirement Systems
1197	Banking, Commerce and Insurance
1198	Revenue
1199	Judiciary
1200	Judiciary
1202	Revenue
1203	Revenue
1204	Revenue
1205	Banking, Commerce and Insurance
1206	Natural Resources
1207	Revenue
1208	Government, Military and Veterans Affairs
1209	Judiciary
1210	Banking, Commerce and Insurance
1211	Judiciary

1212	Health and Human Services
1213	Appropriations
1214	Transportation
1215	Banking, Commerce and Insurance
1216	Government, Military and Veterans Affairs
1217	Transportation
1218	Revenue
1219	Judiciary
1220	Banking, Commerce and Insurance
1221	Judiciary
1222	Business and Labor
1223	Revenue
1224	Revenue
1225	Judiciary
1226	Revenue
1227	Judiciary
1228	Banking, Commerce and Insurance
1229	Banking, Commerce and Insurance
1230	Appropriations
1231	Transportation
1232	Transportation
1233	Natural Resources
1234	Health and Human Services
1235	Appropriations
1236	Health and Human Services
1237	Judiciary
1238	Education
1239	Natural Resources
1240	Revenue
1242	Government, Military and Veterans Affairs
1243	Banking, Commerce and Insurance
1244	Revenue
1245	Revenue
1246	Revenue
1247	Urban Affairs
1248	Urban Affairs
1249	Urban Affairs
1250	Government, Military and Veterans Affairs
1251	Urban Affairs
1252	Urban Affairs
1253	Urban Affairs
1254	Revenue
1255	Judiciary

1256	Urban Affairs
1257	Natural Resources
1259	Banking, Commerce and Insurance
1260	Banking, Commerce and Insurance
1261	Urban Affairs
1262	Banking, Commerce and Insurance
1263	Natural Resources
1264	Revenue
1265	Judiciary
1266	Revenue
1267	General Affairs
1268	Appropriations
1269	Revenue
1270	Judiciary
1271	Revenue
1272	Education
1273	Revenue
1274	Revenue
1275	Revenue
1276	Revenue
1277	Natural Resources
1278	Health and Human Services
1279	Transportation
1280	Revenue
1281	Banking, Commerce and Insurance
1282	Health and Human Services
1283	Transportation
1285	Revenue
1286	Health and Human Services
1287	Judiciary
1288	Appropriations
1289	General Affairs
1290	Education
1291	Education

LR	**Committee**
229CA	Revenue
230CA	Revenue

(Signed) Jerome Warner, Chairperson
Legislative Council
Executive Board

NOTICE OF COMMITTEE HEARING
Judiciary

LB 1237 Friday, January 31, 1992 1:30 p.m.

(Signed) Jerry Chizek, Chairperson

VISITORS

Visitors to the Chamber were 21 students from Southeast Community College; and 26 fourth grade students and teacher from St. John Lutheran, Seward.

ADJOURNMENT

At 12:03 p.m., on a motion by Mrs. Pirsch, the Legislature adjourned until 9:00 a.m., Friday, January 24, 1992.

Patrick J. O'Donnell
Clerk of the Legislature

TWELFTH DAY - JANUARY 24, 1992

LEGISLATIVE JOURNAL

NINETY-SECOND LEGISLATURE
SECOND SESSION

TWELFTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 24, 1992

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Baack presiding.

PRAYER

The prayer was offered by Pastor Brent Kuhlman, Faith Lutheran Church, Hebron, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Chizek and Conway who were excused; and Messrs. Ashford, Beutler, Chambers, Hall, Horgan, Lindsay, Morrissey, Schmit, Warner, Wesely, Mmes. Pirsch, Rasmussen, and Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eleventh day was approved.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of January 23, 1992. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell

Clerk of the Legislature

Barry, Robert - Chicago, IL	MCI Telecommunications Corporation
Crosby, Guenzel, Davis, Kessner & Kuester	
Crosby, Robert B.- Lincoln	Alliance of American Insurers (Withdrawn 01/08/92)
	Security Investment Company (Withdrawn 01/08/92)
McGuire, Mark D. - Lincoln	Better Nebraska Association
DeCamp, John W. - Lincoln	Disabled American Veterans (Withdrawn 6/05/91)
Fulton, Jack A. - Denver	The Western Sugar Company (Withdrawn 01/07/92)
Harding, Mary A. - Lincoln	Citizen Action (Withdrawn 12/30/91)
	Nebraska Women's Legislative Caucus
Kelley, Michael - Omaha	Central Nebraska Public Power & Irrigation District
Morrissey, Bill - Lincoln	Cornhusker Food Retailers Association
O'Hara & Associates	
O'Hara, Paul V. - Lincoln	Nebraskans for Equity in Higher Education (Withdrawn 1/13/92)
Richard, Dwayne - Lincoln	Change name of Principal From: Retail Merchants Association To: Nebraska Retail Federation
Scudder Law Firm, P.C.	
Hutchinson, Paula Belford - Lincoln	Scudder Law Firm, P.C.
	Southeast Community College
Scudder, Jr., Earl H. - Lincoln	Scudder Law Firm, P.C.
Titus, Jim R. - Omaha	United States Amateur Confederation of Roller Skating

RESOLUTIONS

LEGISLATIVE RESOLUTION 233. Introduced by Baack, 47; Rogers, 41; Byars, 30; Coordsen, 32.

WHEREAS, Willard H. Waldo has a long and outstanding record of public leadership, including service as an educator, state senator, and farm leader; and

WHEREAS, Mr. Waldo has distinguished himself by his commitment to his family, his livestock industry, and his state; and

WHEREAS, Mr Waldo has been a member and leader of nearly all farm related organizations in Nebraska and has developed the world's largest and oldest Duroc swine herd; and

WHEREAS, the NEBRASKAland Foundation, Inc., recognizes outstanding Nebraskans whose public service and spirit are exemplary of the State of Nebraska; and

WHEREAS, Willard H. Waldo will receive the Wagonmaster Award on February 28th, 1992.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature extend congratulations to Willard H. Waldo on his receipt of this prestigious award.
2. That a copy of this resolution be presented to Willard H. Waldo.

Laid over.

LEGISLATIVE RESOLUTION 234. Introduced by Baack, 47; Conway, 17.

WHEREAS, Reuben Snake, Jr. has a long and outstanding record of leadership of Native Americans; and

WHEREAS, Reuben Snake, Jr. has taken a leadership role in shaping national and international perceptions regarding Native American and Alaskan Native cultures; and

WHEREAS, Reuben Snake, Jr. served as chairman of the Winnebago Nation of Nebraska, president of the National Congress of American Indians, and provided cultural awareness by lectures and speeches; and

WHEREAS, the NEBRASKAland Foundation, Inc., recognizes outstanding Nebraskans whose public service and spirit are exemplary of the State of Nebraska; and

WHEREAS, Reuben Snake, Jr. will receive the Trailblazer Award on February 28th, 1992.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature extend congratulations to Reuben Snake, Jr. on his receipt of this prestigious award.
2. That a copy of this resolution be presented to Reuben Snake, Jr.

Laid over.

LEGISLATIVE RESOLUTION 235. Introduced by Baack, 47; Conway, 17.

WHEREAS, the Honorable Dick Cheney, Secretary of Defense, has a long and outstanding record of public service, including leadership of our military operations in Panama and the Middle East; and

WHEREAS, Secretary of Defense Dick Cheney has distinguished himself by his commitment to his family and his nation; and

WHEREAS, Secretary of Defense Dick Cheney has a record of outstanding service in our federal government as a member and leader of Congress, White House Chief of Staff, aide and advisor to three presidents, and member of the presidential cabinet; and

WHEREAS, Secretary of Defense Dick Cheney, a native of Lincoln, Nebraska, has risen to a position of leadership and responsibility for shaping the future of the U.S. military in an age of profound and rapid change; and

WHEREAS, the NEBRASKAland Foundation, Inc., recognizes outstanding Nebraskans whose public service and spirits are exemplary of the State of Nebraska; and

WHEREAS, Secretary of Defense Dick Cheney will receive the State of Nebraska's highest honor, the Distinguished Nebraskalander Award on February 29th, 1992.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature extend congratulations to Secretary of Defense Dick Cheney on his receipt of this most prestigious award.
2. That a copy of this resolution be presented to Secretary of Defense Dick Cheney.

Laid over.

LEGISLATIVE RESOLUTION 231. Read. Considered.

LR 231 was adopted with 27 ayes, 0 nays, and 22 not voting.

GENERAL FILE

LEGISLATIVE BILL 270. Title read. Considered.

Standing Committee amendment, AM0472, found in the Journal on page 854, First Session, 1991, was adopted with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

Passed over.

LEGISLATIVE BILL 339. Title read. Considered.

Standing Committee amendment, AM0382, found in the Journal on page 854, First Session, 1991, was adopted with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 319. Title read. Considered.

Standing Committee amendment, AM0480, found in the Journal on page 855, First Session, 1991, was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Mr. Withem asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 641. Title read. Considered.

Standing Committee amendment, AM0561, found in the Journal on page 948, First Session, 1991, was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Mr. Morrissey asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for review with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 411. Mr. Byars withdrew his pending motion, found in the Journal on page 372, to indefinitely postpone.

Mr. Hefner moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. Haberman requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 21:

Abboud
Baack
Beyer
Bohlke
Byars
Coordsen
Dierks
Elmer
Hefner
Johnson, L.
Labedz
Lamb
Landis
Lynch
Morrissey
Nelson
Pirsch
Rasmussen
Rogers
Schimek
Schmit

Voting in the negative, 16:

Ashford
Bernard-Stevens
Crosby
Cudaback
Haberman
Hillman
Johnson, R.
Kristensen
Lindsay
Moore
Robinson
Schellpeper
Schrock
Wehrbein
Wickersham
Will

Present and not voting, 4:

Chambers
Hartnett
Peterson
Robak

Excused and not voting, 8:

Beutler
Chizek
Conway
Hall
Horgan
Warner
Wesely
Withem

Failed to advance to E & R for review with 21 ayes, 16 nays, 4 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

NOTICE OF COMMITTEE HEARING
Nebraska Retirement Systems

LB 1196 Thursday, February 13, 1992 Noon

(Signed) Arlene Nelson, Chairperson

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 887. Placed on General File as amended.
Standing Committee amendment to LB 887:
AM2392

1. On page 2, line 13, strike "auditor", show as stricken, and insert "Auditor of Public Accounts".

LEGISLATIVE BILL 912. Placed on General File as amended.
Standing Committee amendment to LB 912:
AM2442

1. On page 6, strike beginning with "When" in line 19 through "no" in line 25 and show the old matter as stricken.

2. On page 7, line 1, strike beginning with "election" through the period and show the old matter as stricken.

The Committee on Natural Resources desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Environmental Control Council
  Nancy J. Andrews
  Dr. Janet Bernard-Stevens
  Jack Dixon
  Paul Fuhrer
  Dennis Heermann
  Fred E. Hlava

VOTE: Aye: Senators Elmer, Hartnett, Horgan, R. Johnson, Lamb, and Morrissey. Nay: none. Not voting: Senator Beutler. Absent: Senator Schmit.

(Signed) Rod Johnson, Chairperson

GENERAL FILE

LEGISLATIVE BILL 226. Title read. Considered.

Standing Committee amendment, AM0276, found in the Journal on page 708, First Session, 1991, was considered.

Mrs. Nelson offered the following amendment to the Standing Committee amendment:
FA235
On page 9, line 12, strike "shall not" and insert "may".
On page 9, line 13, insert "monthly" before "automatic".

Messrs. Schmit and Kristensen asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Nelson withdrew her pending amendment, FA235.

Mr. Ashford offered the following amendment to the Standing Committee amendment:
FA236
1. On Page 5, after line 2 insert the following new subdivision:
"(6) Facilities owned, controlled or managed by a person, firm, corporation, or other organization which have owned, controlled or managed facilities continuously in the state for seven or more years."

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Nelson requested a ruling of the Chair on whether the Ashford amendment is germane to the Standing Committee amendment.

The Chair ruled the Ashford amendment is not germane to the Standing Committee amendment.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

MR. LAMB PRESIDING

The Standing Committee amendment lost with 8 ayes, 10 nays, 21 present and not voting, and 10 excused and not voting.

Mr. Ashford offered the following amendment:
FA237
1. On Page 5, after line 2 insert the following new subdivision:
"(6) Facilities owned, controlled or managed by a person, firm, corporation, or other organization which have owned, controlled or managed facilities continuously in the state for seven or more years."

Mr. Ashford withdrew his pending amendment.

Mr. Ashford offered the following amendment:
FA238
Strike Sec 17 pg 9

Mr. Morrissey asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER BAACK PRESIDING

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

The Ashford amendment lost with 8 ayes, 10 nays, 23 present and not voting, and 8 excused and not voting.

Mr. Ashford asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Nelson moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Advanced to E & R for review with 25 ayes, 2 nays, 12 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Mr. R. Johnson asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 226A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 2 nays, 12 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 1013. Title read. Considered.

Standing Committee amendment, AM2482, found in the Journal on page 467, was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

UNANIMOUS CONSENT - Expedite LB 1013

Mr. Hall asked unanimous consent to expedite LB 1013. No objections. So ordered.

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 336. Placed on Select File as amended.
(E & R amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM5212.)

LEGISLATIVE BILL 336A. Placed on Select File as amended.
E & R amendment to LB 336A.
AM5213

1. On page 1, line 4, strike "First Session, 1991" and insert "Second Session, 1992".

LEGISLATIVE BILL 201. Placed on Select File.

LEGISLATIVE BILL 314. Placed on Select File as amended.
E & R amendment to LB 314:
AM5214

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 39-654, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-654. ~~All~~ (1) Except as provided in subsection (2) of this section, all hand and arm signals required by sections 39-601 to 39-6,122 shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:

~~(1)~~ (a) Left turn--hand and arm extended horizontally;

~~(2)~~ (b) Right turn--hand and arm extended upward; and

~~(3)~~ (c) Stop or decrease speed--hand and arm extended downward.

(2) Any person operating a bicycle may signal a right turn by fully extending the right arm and pointing.

Sec. 2. That section 39-669.26, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-669.26. (1) In order to prevent and eliminate successive traffic violations, there is hereby provided a point system dealing with traffic violations as disclosed by the files of the Director of Motor Vehicles. The following point system shall be adopted:

~~(1)~~ (a) Conviction of motor vehicle homicide -- 12 points;

~~(2)~~ (b) Third offense drunken driving in violation of any city or village ordinance or of section 39-669.07, as disclosed by the records of the director, regardless of whether the trial court found the same to be a third offense -- 12 points;

~~(3)~~ (c) Failure to stop and render aid as required under the laws of this state in the event of involvement in a motor vehicle accident resulting in the death or personal injury of another -- 6 points;

~~(4)~~ (d) Failure to stop and render aid as required under the laws of this state or any city or village ordinance in the event of a motor vehicle accident resulting in property damage if such accident is reported by the owner or operator within twelve hours from the time of the accident -- 4 points, otherwise -- 8 points, and for purposes of this subdivision a telephone call or other notification to the appropriate peace officers shall be deemed to be a report;

~~(5)~~ (e) Driving a motor vehicle while under the influence of alcoholic liquor or any drug or when such person has a concentration of ten-hundredths of one gram or more by weight of alcohol per one hundred milliliters of his or her blood or urine or per two hundred ten liters of his or her breath in violation of any city or village ordinance or of section 39-669.07 -- 6 points;

~~(6)~~ (f) Willful reckless driving in violation of any city or village ordinance or of section 39-669.03 or 39-669.05 -- 6 points;

~~(7)~~ (g) Careless driving in violation of any city or village ordinance or of section 39-669 -- 4 points;

~~(8)~~ (h) Negligent driving in violation of any city or village ordinance -- 3 points;

~~(9)~~ (i) Reckless driving in violation of any city or village ordinance or of section 39-669.01 -- 5 points;

~~(10)~~ (j) Speeding in violation of any city or village ordinance or of section 39-662, 39-663, or

39-666: ~~(a)~~ (i) Not more than five miles per hour over the speed limit -- 1 point; ~~(b)~~ (ii) more than five miles per hour but not more than ten miles per hour over the speed limit -- 2 points; and ~~(c)~~ (iii) more than ten miles per hour over the speed limit -- 3 points, except that one point shall be assessed upon conviction of exceeding by not more than ten miles per hour, two points shall be assessed upon conviction of exceeding by more than ten miles per hour but not more than fifteen miles per hour, and three points shall be assessed upon conviction of exceeding by more than fifteen miles per hour the speed limits provided for in subdivision (2)(c), (d), or (f) of section 39-662 or subdivision (1)(c), (d), (e), or (g) or (3)(c), (d), or (h) of section 39-666;

~~(11)~~ (k) Failure to yield to a pedestrian not resulting in bodily injury to a pedestrian -- 2 points;

~~(12)~~ (l) Failure to yield to a pedestrian resulting in bodily injury to a pedestrian -- 4 points; and

~~(13)~~ (m) All other traffic violations involving the operation of motor vehicles by the operator for which reports to the Department of Motor Vehicles are required under sections 39-669.22 and 39-669.23, not including parking violations, violations for operating a motor vehicle without a valid operator's license in the operator's possession, muffler violations, overwidth, overheight, or overlength violations, motorcycle or moped protective helmet violations, or overloading of trucks -- 1 point.

All such points shall be assessed against the driving record of the operator as of the date of the violation for which conviction was had. Points may be reduced by the department under section 39-669.37.

In all cases, the forfeiture of bail not vacated shall be regarded as equivalent to the conviction of the offense with which the operator was charged.

(2) The point system shall not apply to persons convicted of traffic violations committed while operating a bicycle.

Sec. 3. That section 39-690, Reissue Revised Statutes of Nebraska, 1943, be amended to read as

follows:

39-690. (1) Any person who operates a bicycle upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride as near to the ~~right side of~~ right-hand curb or right-hand edge of the roadway as practicable~~, exercising due care when passing a standing vehicle or one proceeding in the same direction~~ except when (a) overtaking and passing another bicycle or vehicle proceeding in the same direction, (b) preparing for a left turn onto a private road or driveway or at an intersection, (c) reasonably necessary to avoid conditions that make it unsafe to continue along the right-hand curb or right-hand edge of the roadway, including fixed or moving objects, parked or moving vehicles, bicycles, pedestrians, animals, or surface hazards, (d) operating upon a substandard width lane which is too narrow for a bicycle and a vehicle to travel safely side by side within the lane, or (e) operating upon a roadway on which traffic is restricted to one direction of movement and which has two or more marked traffic lanes. Any person who operates a bicycle upon a roadway on which traffic is restricted to one direction of movement and which has two or more marked traffic lanes may ride as near to the left-hand curb or left-hand edge of the roadway as practicable.

(2) Any person who rides a bicycle upon a roadway shall not ride more than single file except on paths or parts of roadways set aside for the exclusive use of bicycles.

(3) Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use such roadway.

(4) Local authority may, by ordinance, further regulate the operation of bicycles and may provide for registration and inspection of bicycles.

Sec. 4. That section 39-691, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-691. (1) Any bicycle when in use at nighttime shall be equipped with a ~~light on the front which shall emit a white~~ light visible from a distance of at least five hundred feet to the front on a clear night and with a red reflector on the rear of a type which is approved by the department or local authority and which ~~shall be~~ is visible on a clear night from all distances between one hundred feet and six hundred feet to the rear when directly in front of lawful lower beams of headlights on a motor vehicle. A light emitting a red light visible from a distance of five hundred feet to the rear may be used in addition to such red reflector.

(2) Any bicycle used on a highway shall be equipped with a brake or brakes which will enable the operator to ~~make the braked wheel skid~~ stop the bicycle within twenty-five feet when moving at a speed of ten miles per hour on dry, level, clean pavement.

Sec. 5. That original sections 39-654, 39-669.26, 39-690, and 39-691, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

2. On page 1, line 1, after "sections" insert "39-654,"; in line 5 strike "bicycle" and insert "certain traffic"; and in line 7 strike "brakes" and insert "hand signals and equipment".

(Signed) Eric Will, Chairperson

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 89. Indefinitely postponed.
LEGISLATIVE BILL 572. Indefinitely postponed.
LEGISLATIVE BILL 632. Indefinitely postponed.
LEGISLATIVE BILL 763. Indefinitely postponed.

LEGISLATIVE RESOLUTION 2. Indefinitely postponed.

(Signed) Gerald Conway, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 236. Introduced by Baack, 47; Horgan, 4; Hall, 7; Will, 8; Abboud, 12; Hartnett, 45; Ashford, 6; Rasmussen, 20; Chambers, 11; Labedz, 5; Pirsch, 10; Lindsay, 9; Chizek, 31; Lynch, 13.

WHEREAS, Archbishop Daniel E. Sheehan has a long and outstanding record of public service, including service as an educator and leader of Christianity; and

WHEREAS, Archbishop Sheehan has distinguished himself by his commitment to the Omaha Diocese and the development of educational institutions; and

WHEREAS, Archbishop Sheehan was born and raised in the Omaha Diocese, was ordained in 1942, has held many appointments, and has been Archbishop of Omaha for over twenty-two years; and

WHEREAS, the NEBRASKAland Foundation, Inc., recognizes outstanding Nebraskans whose public service and spirit are exemplary of the State of Nebraska; and

WHEREAS, Archbishop Sheehan will receive the Pioneer Award on February 28th, 1992.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature extend congratulations to Archbishop Daniel E. Sheehan on his receipt of this prestigious award.
2. That a copy of this resolution be presented to Archbishop Daniel E. Sheehan.

Laid over.

NOTICE OF COMMITTEE HEARINGS

Rules

Thursday, January 30, 1992, Room 2102 1:00 p.m.
Senator Withem's Proposed Rule changes
Legislative Journal pages 358, 359, and 361

(Signed) Daniel Lynch, Chairperson

Banking, Commerce and Insurance

LB 1074	Monday, February 3, 1992	1:30 p.m.
LB 1075	Monday, February 3, 1992	1:30 p.m.
LB 1089	Monday, February 3, 1992	1:30 p.m.
LB 1132	Monday, February 3, 1992	1:30 p.m.
LB 1163	Monday, February 3, 1992	1:30 p.m.
LB 1154	Tuesday, February 4, 1992	1:30 p.m.
LB 1187	Tuesday, February 4, 1992	1:30 p.m.

LB 1197	Tuesday, February 4, 1992	1:30 p.m.
LB 1215	Tuesday, February 4, 1992	1:30 p.m.
LB 1259	Tuesday, February 4, 1992	1:30 p.m.

(Signed) David Landis, Chairperson

Judiciary

LR 206CA	Friday, January 31, 1992	1:30 p.m.

(Signed) Jerry Chizek, Chairperson

Government, Military and Veterans Affairs

LB 1117	Thursday, February 6, 1992	1:30 p.m.
LB 1042	Thursday, February 6, 1992	1:30 p.m.
LB 1081	Thursday, February 6, 1992	1:30 p.m.
LB 1134	Friday, February 7, 1992	1:30 p.m.
LB 1165	Friday, February 7, 1992	1:30 p.m.
LR 210	Friday, February 7, 1992	1:30 p.m.
LR 217CA	Friday, February 7, 1992	1:30 p.m.
LB 1073	Wednesday, February 12, 1992	1:30 p.m.
LB 1110	Wednesday, February 12, 1992	1:30 p.m.
LB 1140	Thursday, February 13, 1992	1:30 p.m.
LB 1191	Thursday, February 13, 1992	1:30 p.m.
LB 964	Thursday, February 20, 1992	1:30 p.m.
Governor Appointments	Friday, March 6, 1992	12:00 Noon

Nebraska Accountability and Disclosure Commission
Linda K. Mai
Rhonda Seacrest

(Signed) Gerald Conway, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Mr. Chambers asked unanimous consent to have his name added as cointroducer to LB 1270. No objections. So ordered.

Mr. Kristensen asked unanimous consent to have his name added as cointroducer to LB 943. No objections. So ordered.

VISITORS

Visitors to the Chamber were 37 fourth grade students and teacher from St. Mary's School, Lincoln; and Carol Foster and Jim McDermott from Scottsbluff.

ADJOURNMENT

At 12:02 p.m., on a motion by Mrs. Rasmussen, the Legislature adjourned until 9:00 a.m., Monday, January 27, 1992.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTEENTH DAY - JANUARY 27, 1992

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

NINETY-SECOND LEGISLATURE
SECOND SESSION

THIRTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 27, 1992

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Baack presiding.

PRAYER

The prayer was offered by Pastor F. Cole Fowler, Waverly Methodist Church, Waverly, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Rasmussen who was excused; and Messrs. Abboud, Byars, Chambers, Conway, Haberman, Hall, Hartnett, R. Johnson, Landis, Lindsay, Robinson, Schellpeper, Schmit, Schrock, Warner, Withem, and Mrs. Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 478, line 26, strike "Select" and insert "General".
Page 478, line 27, strike "E & R" and insert "Standing Committee".
Page 479, line 2, strike "Select" and insert "General".
Page 479, line 3, strike "E & R" and insert "Standing Committee".
The Journal for the twelfth day was approved as corrected.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 1013. Placed on Select File as amended.
E & R amendment to LB 1013:
AM5217

1. On page 1, line 8, after the semicolon insert "to change provisions relating to aircraft fuel

fees; to provide for and change provisions relating to enforcement;"; and in line 9 strike "civil" and insert "administrative".

2. On page 2, strike beginning with "to" in line 1 through the semicolon in line 3.

3. On page 11, lines 10 and 11, strike "is" and insert "shall be".

4. On page 20, line 14, after "Any" insert "reissuance of a"; in line 15 strike "reissued"; and in line 16 strike "will" and insert "shall".

(Signed) Eric Will, Chairperson

STANDING COMMITTEE REPORT
Agriculture

LEGISLATIVE BILL 349. Placed on General File as amended. (Standing Committee amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM2456.)

(Signed) Carson Rogers, Chairperson

UNANIMOUS CONSENT - Members Excused

Messrs. Chizek, Wickersham, and Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

NOTICE OF COMMITTEE HEARINGS
Business and Labor

LB 876	Monday, February 3, 1992	1:30 p.m.
LB 926	Monday, February 3, 1992	1:30 p.m.
LB 936	Monday, February 3, 1992	1:30 p.m.
LB 967	Monday, February 3, 1992	1:30 p.m.
LB 1064	Monday, February 3, 1992	1:30 p.m.
LB 1126	Monday, February 3, 1992	1:30 p.m.
LB 1136	Monday, February 3, 1992	1:30 p.m.
LB 882	Monday, February 10, 1992	1:30 p.m.
LB 932	Monday, February 10, 1992	1:30 p.m.
LB 1003	Monday, February 10, 1992	1:30 p.m.
LB 1010	Monday, February 10, 1992	1:30 p.m.
LB 1084	Monday, February 10, 1992	1:30 p.m.

LB 1102	Monday, February 10, 1992	1:30 p.m.
LB 1222	Monday, February 10, 1992	1:30 p.m.

(Signed) George Coordsen, Chairperson

UNANIMOUS CONSENT - Print in Journal

Messrs. Horgan, Ashford, and Mrs. Rasmussen asked unanimous consent to print the following amendment to LB 1008 in the Journal. No objections. So ordered.

AM2417

1. On page 11, line 7, after the period insert "The fees collected pursuant to this subdivision shall be credited to a single fund to be used exclusively by the city for the removal, disposal, or recycling of garbage and refuse, or all of the same, including any costs incurred for collecting the fee and for promoting recycling.".

ANNOUNCEMENTS

Mr. Beutler designates LB 306 as his priority bill.

Mr. Chizek designates LB 459 as his priority bill.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 231.

UNANIMOUS CONSENT - Members Excused

Mr. Horgan, Mmes. Hillman, and Labedz asked unanimous consent to be excused until they return. No objections. So ordered.

MOTION - Approve Appointments

Mr. Morrissey moved the adoption of the report of the Natural Resources Committee for the following Governor appointments found in the Journal on page 479: Nancy J. Andrews, Dr. Janet Bernard-Stevens, Jack Dixon, Paul Fuhrer, Dennis Heermann, and Fred E. Hlava - Environmental Control Council.

Voting in the affirmative, 26:

Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Byars
Conway
Coordsen
Crosby
Elmer
Hefner
Johnson, L.
Johnson, R.
Kristensen
Lamb
Landis
Lynch
Moore
Peterson
Robak
Rogers
Schimek
Schrock
Wehrbein
Wesely
Will

Voting in the negative, 0.

Present and not voting, 4:

Ashford
Cudaback
Morrissey
Nelson

Excused and not voting, 19:

Abboud
Chambers
Chizek
Dierks
Haberman
Hall
Hartnett
Hillman
Horgan
Labedz
Lindsay
Pirsch
Rasmussen
Robinson
Schellpeper
Schmit
Warner
Wickersham
Withem

These appointments were confirmed with 26 ayes, 0 nays, 4 present and not voting, and 19 excused and not voting.

NOTICE OF COMMITTEE HEARINGS
Appropriations

LB 1104	Monday, February 3, 1992	1:30 p.m.

Monday, February 3, 1992, Room 1520 1:30 p.m.
Agency 48 - Postsecondary Education Coordinating Commission
Agency 49 - Board of Trustees-Nebraska State Colleges
Agency 50 - Nebraska State Colleges
Agency 51 - University of Nebraska

LB 1047	Tuesday, February 4, 1992	1:30 p.m.
LB 1056	Tuesday, February 4, 1992	1:30 p.m.
LB 1082	Tuesday, February 4, 1992	1:30 p.m.

Tuesday, February 4, 1992, Room 1520 1:30 p.m.
Agency 25 - Department of Public Institutions
Agency 26 - Department of Social Services

Wednesday, February 5, 1992, Room 1003 1:30 p.m.
Agency 03 - Legislative Council
Agency 65 - Department of Administrative Services
Agency 24 - Department of Motor Vehicles

Thursday, February 6, 1992, Room 1003 1:30 p.m.
Agency 05 - Supreme Court
Agency 11 - Attorney General
Agency 15 - Board of Pardons and Parole
Agency 46 - Department of Correctional Services
Agency 64 - Nebraska State Patrol
Agency 78 - Commission on Law Enforcement/Criminal Justice

LB 930	Friday, February 7, 1992	1:30 p.m.
LB 1288	Friday, February 7, 1992	1:30 p.m.

Monday, February 10, 1992, Room 1520 1:30 p.m.
Agency 89 - State Claims Board
Agency 10 - State Auditor
Agency 20 - Department of Health
Agency 67 - Equal Opportunity Commission
Agency 71 - Department of Aging

LB 943	Tuesday, February 11, 1992	1:30 p.m.
LB 1235	Tuesday, February 11, 1992	1:30 p.m.

Tuesday, February 11, 1992, Room 1520 1:30 p.m.
Agency 34 - Nebraska Library Commission
Agency 69 - Nebraska Arts Council
Agency 47 - Educational Telecommunications Commission
Agency 13 - Department of Education

LB 1213	Wednesday, February 12, 1992	1:30 p.m.
LB 1268	Wednesday, February 12, 1992	1:30 p.m.

Wednesday, February 12, 1992, Room 1003 1:30 p.m.
Agency 43 - State Athletic Commissioner
Agency 72 - Department of Economic Development
Agency 33 - Game and Parks Commission

Agency 27 - Department of Roads
Agency 90 - Railway Council

LB 1088	Thursday, February 13, 1992	1:30 p.m.
LB 1230	Thursday, February 13, 1992	1:30 p.m.
LB 1022	Thursday, February 13, 1992	1:30 p.m.

(Signed) Scott Moore, Chairperson

SELECT FILE

LEGISLATIVE BILL 858. E & R amendment, AM5188, found in the Journal on page 306, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 859. Advanced to E & R for engrossment.
LEGISLATIVE BILL 860. Advanced to E & R for engrossment.

LEGISLATIVE BILL 861. E & R amendment, AM5189, found in the Journal on page 307, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 862. Advanced to E & R for engrossment.
LEGISLATIVE BILL 863. Advanced to E & R for engrossment.
LEGISLATIVE BILL 864. Advanced to E & R for engrossment.
LEGISLATIVE BILL 865. Advanced to E & R for engrossment.
LEGISLATIVE BILL 866. Advanced to E & R for engrossment.
LEGISLATIVE BILL 867. Advanced to E & R for engrossment.
LEGISLATIVE BILL 868. Advanced to E & R for engrossment.
LEGISLATIVE BILL 869. Advanced to E & R for engrossment.
LEGISLATIVE BILL 870. Advanced to E & R for engrossment.
LEGISLATIVE BILL 871. Advanced to E & R for engrossment.

Mr. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 1013. E & R amendment, AM5217, found in the Journal on page 490, was adopted.

Messrs. Hefner and Baack offered the following amendment:
AM2527

1. On page 2, strike beginning with "public" in line 4 through "and" in line 6; and in line 10 strike "sections 66-633 and" and insert "section".

2. On page 16, line 10, strike "which were" and after "sold" insert "by the importer".

3. On page 24, line 2, after the second comma insert "and also section 66-646.02, Revised Statutes Supplement, 1991,".

The Hefner-Baack amendment was adopted with 25 ayes, 0 nays, 4 present and not voting, and 20 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 125. The pending Elmer amendment, AM0219, as amended, found in the Journal on page 625, First Session, 1991, was renewed.

Mr. Beutler offered the following amendment to the pending Elmer amendment:
AM2528

(Amendments to AM0219)

1. Insert the following new section:

"Sec. 2. When legislation proposing a criminal penalty is advanced to enrollment and review for review or for engrossing by the Legislature, the Attorney General shall, within five calendar days after such advancement, provide to the Legislature a legal opinion as to whether the legislation is in violation of any provision of the United States Constitution or the Constitution of Nebraska. A final vote of the Legislature on such legislation shall not be taken until such five-day period has passed.".

2. On page 1, line 2, strike "section" and insert "sections".

Mr. Moore moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Beutler withdrew his pending amendment.

Mr. Hartnett and Mrs. Robak asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Kristensen asked unanimous consent to be excused. No objections. So ordered.

Mr. Elmer moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

The Elmer amendment, as amended, was adopted with 26 ayes, 3 nays, 10 present and not voting, and 10 excused and not voting.

Mr. Elmer requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 22:

Baack
Beyer
Bohlke
Chambers
Conway
Crosby
Elmer
Hartnett
Horgan
Johnson, L.
Landis
Lindsay
Lynch
Moore
Morrissey
Robinson
Rogers
Schimek
Schmit
Wehrbein
Wesely
Will

Voting in the negative, 13:

Bernard-Stevens
Beutler
Byars
Coordsen
Cudaback
Dierks
Hefner
Hillman
Lamb
Nelson
Pirsch
Schrock
Wickersham

Present and not voting, 2:

Johnson, R.
Withem

Absent and not voting, 2:

Ashford
Labedz

Excused and not voting, 10:

Abboud
Chizek
Haberman
Hall
Kristensen
Peterson
Rasmussen
Robak
Schellpeper
Warner

Failed to advance to E & R for engrossment with 22 ayes, 13 nays, 2 present and not voting, 2 absent and not voting, and 10 excused and not voting.

The Chair declared the call raised.

NOTICE OF COMMITTEE HEARINGS

Transportation

LB 1111	Tuesday, February 4, 1992	1:30 p.m.
LB 1283	Tuesday, February 4, 1992	1:30 p.m.
LB 1232	Tuesday, February 4, 1992	1:30 p.m.
LB 1217	Tuesday, February 4, 1992	1:30 p.m.
LB 1156	Tuesday, February 4, 1992	1:30 p.m.
LB 1178	Tuesday, February 4, 1992	1:30 p.m.

(Signed) Doug Kristensen, Chairperson

Education

LB 1072	Monday, February 3, 1992	1:30 p.m.
LB 1071	Monday, February 3, 1992	1:30 p.m.
LB 1194	Monday, February 3, 1992	1:30 p.m.
LB 1153	Tuesday, February 4, 1992	1:30 p.m.
LB 1174	Tuesday, February 4, 1992	1:30 p.m.
LB 1189	Monday, February 10, 1992	1:30 p.m.
LB 1272	Monday, February 10, 1992	1:30 p.m.
LB 1290	Monday, February 10, 1992	1:30 p.m.
LB 1043	Tuesday, February 11, 1992	1:30 p.m.
LB 1044	Tuesday, February 11, 1992	1:30 p.m.
LB 1166	Tuesday, February 11, 1992	1:30 p.m.
LB 1082	Tuesday, February 18, 1992	1:30 p.m.
LB 1238	Tuesday, February 18, 1992	1:30 p.m.
LB 1291	Tuesday, February 18, 1992	1:30 p.m.
Governor Appointments	Tuesday, February 18, 1992	1:15 p.m.

Nebraska Safety Center Advisory Council
Rollin Schneider
Dr. James Manion

Clayton Andrews
Frank Rauner
David Stubbs
Larry Morris
Duane Schmidt

(Signed) Ron Withem, Chairperson

STANDING COMMITTEE REPORTS

Health and Human Services

LEGISLATIVE BILL 906. Placed on General File.
LEGISLATIVE BILL 909. Placed on General File.

LEGISLATIVE BILL 970. Placed on General File as amended.
Standing Committee amendment to LB 970:
AM2486

1. On page 2, line 17, strike "approved", show as stricken, and insert "board-approved".

(Signed) Don Wesely, Chairperson

Transportation

LEGISLATIVE BILL 291. Placed on General File as amended.
(Standing Committee amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM2314.)

LEGISLATIVE BILL 93. Indefinitely postponed.
LEGISLATIVE BILL 491. Indefinitely postponed.
LEGISLATIVE BILL 531. Indefinitely postponed.

(Signed) Doug Kristensen, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 169 in the Journal. No objections. So ordered.

AM2483

1. On page 4, line 23, strike "shall" and insert "may".

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 677A. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 677, Ninety-second Legislature, Second Session, 1992.

SELECT FILE

LEGISLATIVE BILL 119. Advanced to E & R for engrossment.
LEGISLATIVE BILL 452. Advanced to E & R for engrossment.

Mr. Horgan asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 718. E & R amendment, AM5186, found in the Journal on page 291, was adopted.

The Smith pending amendments, AM1627 and AM2239, found in the Journal on pages 2528 and 2740, First Session, 1991, were withdrawn.

Mr. Robinson renewed the pending Schellpeper amendment, AM2412, found in the Journal on page 329.

Mr. Robinson moved for a call of the house. The motion prevailed with 8 ayes, 0 nays, and 41 not voting.

Mr. Robinson requested a roll call vote on the Schellpeper amendment.

Voting in the affirmative, 28:

Bernard-Stevens
Beutler
Beyer
Bohlke
Byars
Chambers
Conway
Coordsen
Crosby
Cudaback
Dierks
Elmer
Hefner
Hillman
Johnson, L.
Lamb
Landis
Morrissey
Nelson
Pirsch
Robinson
Rogers
Schimek
Schmit
Schrock
Wehrbein
Wesely
Wickersham

Voting in the negative, 6:

Baack
Hartnett
Johnson, R.
Lindsay
Lynch
Will

Present and not voting, 4:

Ashford
Labedz
Moore
Withem

Excused and not voting, 11:

Abboud
Chizek
Haberman
Hall
Horgan
Kristensen
Peterson
Rasmussen
Robak
Schellpeper
Warner

The Schellpeper amendment was adopted with 28 ayes, 6 nays, 4 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

Mr. Schmit offered the following amendment:
AM2402

(Amendments to Standing Committee amendments, AM0425)

1. Insert the following new section:

"Section 1. That section 2-1203, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-1203. The State Racing Commission shall have power to prescribe and enforce rules and regulations governing horseraces and race meetings licensed as provided in sections 2-1201 to 2-1229 and sections 6 to 16 of this act. Such rules and regulations shall contain criteria to be used by the commission for decisions on approving and revoking track licenses and licenses for teleracing facilities and telephonic wagering and setting racing dates. The commission may revoke or suspend licenses issued to racing industry participants and may, in lieu of or in addition to such suspension or revocation, impose a fine in an amount not to exceed one thousand dollars upon a finding that a rule or regulation has been violated by a licensed racing industry participant. The exact amount of the fine shall be proportional to the seriousness of the violation and the extent to which the licensee derived financial gain as a result of the violation. The commission may delegate to a board of stewards such of the commission's powers and duties as may be necessary to carry out and effectuate the purposes of such sections. Any decision or action of such board of stewards may be appealed to the commission or reviewed by the commission on its own initiative.".

2. On page 1, line 14, after the second comma insert "teleracing facility employees, telephone deposit center employees,".

3. On page 7, line 4, strike "industry is an important sector" and insert "industries are important sectors"; in line 5 strike "provides" and insert "provide"; in line 7 strike "employs" and insert "employ"; in line 14 strike "such licensed"; and in line 24 after the second "the" insert "horseracing".

4. On page 9, line 1, strike "air".

5. On page 10, line 4, strike "licensing and"; in line 5 after the first "of" insert "and shall issue licenses to licensed racetracks for"; in line 15 after "(2)" insert "A licensee may own and operate teleracing facilities outside of the primary territory and market area of any other licensed racetrack as permitted by the commission and subject to sections 6 to 16 of this act."; and strike lines 20 through 23.

6. On page 11, line 4, strike "collect" and insert "deduct"; in line 5 strike the first "of" and insert "from" and strike "from" and insert "of"; in line 18 strike "applications" and insert "application"; and in line 20 after "number" insert "of teleracing facilities requested".

7. On page 12, strike beginning with "After" in line 14 through line 16 and insert "The"; in line 17 strike ", the commission"; in line 18 strike "such application" and insert "an application for a teleracing facility" in line 20 strike "market area" and insert "territory,"; and strike beginning with "If" in line 21 through the period in line 24.

8. On page 13, line 1, strike "factors" and insert "legislative findings"; in line 2 after "approve" insert "and license"; and in line 18 strike "Telephonic wagering" and insert "Telephone deposit".

9. On page 14, line 12, after "sections" insert "2-1203," and after "2-1216" insert a comma.

10. Renumber the remaining sections and correct internal references accordingly.

The Schmit amendment was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Mr. Schmit offered the following amendment:
AM2468

1. In the Standing Committee amendments, AM0425:

a. Insert the following new sections:

"Sec. 3. That section 2-1208, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-1208. For race meetings devoted principally to running races, every corporation or association licensed under the provisions of sections 2-1201 to 2-1218 shall pay the tax imposed by section 2-1208.01 and shall also pay to the State Racing Commission the sum of thirty cents for each person entering the grounds or enclosure of the licensee upon a ticket of admission. If tickets are issued good for more than one day, then the sum of thirty cents shall be paid for each person using such ticket on each day that the same is used. If ~~; and if~~ any free passes or complimentary admission tickets ~~shall be~~ are issued, the licensee shall pay the same tax upon such passes or complimentary tickets as if the same were sold at the regular and usual admission rate, but nothing ~~herein~~ in this section shall be construed to prohibit the issuance of tax-free passes to actual and necessary officials and employees of the licensee or other persons actually working at such racetrack. The ~~; PROVIDED, that the~~ issuance of all such tax-free passes shall be under the regulations or orders of the commission, and a list of all persons to whom such tax-free passes are issued shall be filed with the commission. For race meetings devoted principally to running races, the licensee shall pay to the commission the sum of four hundred dollars for each racing day of each horserace meeting if the racetrack within which such races are conducted is located in a county of two hundred thousand population or more, in counties of more than seventy-five thousand but less than two hundred thousand population, the licensee shall pay to the commission ~~for each racing day~~ the sum of one hundred dollars for each racing day, and in counties of not more than seventy-five thousand population, the licensee shall pay to the commission the sum of thirty dollars for each racing day. For race meetings devoted exclusively to harness races or at which the majority of the races conducted each day are harness races, every corporation or association licensed under the provisions of sections 2-1201 to 2-1218 shall pay to the State Racing Commission, for each racing day of each horserace meeting for which a license ~~shall have~~ has been issued, license fees in the amount of only one-fourth of the daily fees respectively ~~hereinbefore~~ prescribed in this section for running race meetings, graduated ~~as aforesaid~~ pursuant to this section in accordance with the population of the county in which the race meeting is conducted. No other license tax, permit tax, occupation tax, or excise tax~~;~~ or racing fee, except as provided in this section and in sections 2-1203 and 2-1208.01 and sections 13 and 17 of this act, shall be levied, assessed, or collected from any such licensee by the state or by any county, township, district, city, village, or any other governmental subdivision or body having power to levy, assess, or collect any such tax or fee.

Sec. 6. That section 2-1222, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-1222. There is hereby created the Racing Commission's Cash Fund~~;~~ from which shall be appropriated such amounts as are available therefrom and as shall be considered incident to the administration of the State Racing Commission's office. The fund shall contain all license fees and gross receipt taxes collected by the commission as provided under sections 2-1201.01, 2-1203, 2-1203.01, 2-1208, 2-1219, 2-1222, and 2-1223 and sections 13 and 17 of this act, but shall not include taxes collected pursuant to section 2-1208.01, and such fee and taxes collected shall be ~~paid~~ remitted to the State Treasurer ~~who shall credit the money~~ for credit to the ~~state~~ Racing Commission's Cash Fund. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections ~~72-1234 to 72-1259~~ 72-1237 to 72-1276.

Sec. 17. An amount equivalent to one-half of one percent of the amount wagered through telephonic wagering shall be paid to the Department of Revenue by licensed racetracks and shall be remitted by the department to the State Treasurer for credit to the Racing Commission's Cash Fund.";

b. On page 1, line 10; page 2, line 23; page 6, lines 4 and 16; page 8, lines 18 and 19; and page 10, lines 7 and 8 and 23, strike "5 to 15" and insert "7 to 18";

c. On page 11, line 18, after the period insert "Each application shall be accompanied by an annual license fee in the amount of three thousand dollars. A teleracing facility license may be renewed upon payment of the annual license fee. All such license fees shall be credited to the Racing Commission's Cash Fund.";

d. On page 13, line 2, strike "5" and insert "7"; and

e. Renumber the remaining sections accordingly.

2. In the E & R amendments, AM5186 on page 1, line 6, after the first comma insert "2-1208,", strike "and", and after the last comma insert "and 2-1222,".

Mr. Schmit offered the following amendment to his pending amendment:
FA239

Amend the Schmit amendment, AM2468, by striking Section 17 (c) on pg 4 and 5.

The Schmit amendment was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

The pending Schmit amendment, as amended, was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 718A. E & R amendment, AM5187, found in the Journal on page 292, was adopted.

Mr. Schmit offered the following amendment:
AM2545

1. Strike original section 1 and all amendments thereto and insert the following new section:

"Section 1. There is appropriated (1) $48,250 from the Racing Commission's Cash Fund for FY1992-93 and (2) $51,375 from the Racing Commission's Cash Fund for FY1993-94 to the State Racing Commission, for Program 74, to aid in carrying out the provisions of Legislative Bill 718, Ninety-second Legislature, Second Session, 1992.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $34,200 for FY1992-93 or $35,900 for FY1993-94.".

The Schmit amendment was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 312. E & R amendment, AM5192, found in the Journal on page 344, was adopted.

Mr. Beutler offered the following amendment:
AM2414

(Amendments to the E & R amendments, AM5192)

1. Strike sections 2 and 3.
2. On page 1, strike lines 16 through 21.
3. On page 2, line 1, strike "(3)" and insert "(2)"; in line 6 strike "(4)" and insert "(3)"; strike beginning with the quotation marks in line 18 through line 23 and insert "to provide liability for releasing certain animals; to define a term; and to provide an exception.".

Mr. Beutler withdrew his pending amendment.

Messrs. Dierks and L. Johnson asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 543. E & R amendment, AM5196, found in the Journal on page 365, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 27. Mr. Bernard-Stevens offered the following amendment:
AM2537

1. On page 2, line 1, after "knowingly" insert "transfer," and after "sell" insert a comma; in line 9 strike the first "sale" and insert "transfer, sale,"; in line 10 after "purchase" insert "and no fire department or firefighter shall knowingly accept"; in line 16 after "purchase" insert "or acceptance"; and in line 17 strike "subsection (1)" and insert "subsections (1) and (2)".

The Bernard-Stevens amendment was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 269. E & R amendment, AM5197, found in the Journal on page 372, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 816. E & R amendment, AM5198, found in the Journal on page 373, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 262. E & R amendment, AM5200, printed separately from the Journal and referred to on page 402, was adopted.

Advanced to E & R for engrossment.

GENERAL FILE

LEGISLATIVE RESOLUTION 20CA. Read. Considered.

Standing Committee amendment, AM0304, found in the Journal on page 733, First Session, 1991, was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Pending.

NOTICE OF COMMITTEE HEARING
General Affairs

LB 1130	Monday, February 3, 1992	1:30 p.m.
LB 1131	Monday, February 3, 1992	1:30 p.m.
LB 1137	Monday, February 3, 1992	1:30 p.m.
LB 1289	Monday, February 3, 1992	1:30 p.m.

(Signed) Stan Schellpeper, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 83 in the Journal. No objections. So ordered.

AM2522

1. Insert the following new section:

"Section 1. That section 77-1214, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-1214. It shall be the duty of any assessor, sheriff, constable, city ~~councilman~~ council member, and village trustee to at once inform the county treasurer of the making or attempted making of any sale, levy of attachment, or removal of taxable personal property known to him or her. It shall be the duty of the county treasurer to forthwith proceed with the collection of the tax when such acts become known to him or her in any manner. Any ~~; PROVIDED, any~~ personal property tax shall be due and collectible, including all personal property then assessed, and ~~upon which~~ the tax shall be computed on the basis of the last preceding levy, and a distress warrant shall be issued when (1) any person attempts to sell all or a substantial part of his or her taxable personal property, (2) a levy of attachment is made upon taxable personal property, or (3) a person attempts to remove or removes taxable personal property from the county, city, or village. For 1992, the county treasurer shall not proceed to collect the tax and the tax shall not become due and collectable until June 30, 1992.

Sec. 10. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 18, line 24, strike "3 and 8" and insert "4 and 9".

3. On page 19, line 3, after "section" insert "77-1214,".

4. Renumber remaining sections accordingly.

Mr. Schmit asked unanimous consent to print the following amendment to LB 1013 in the Journal. No objections. So ordered.

AM2534

1. Strike original section 4.

2. On page 4, lines 24 and 25, strike the new matter.

3. On page 23, line 21, strike "4,".

4. On page 24, line 5, strike "66-492,".

5. Renumber the remaining sections and correct all internal references accordingly.

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 1013.

(Signed) Eric Will, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Mr. Robinson asked unanimous consent to have his name added as cointroducer to LR 234. No objections. So ordered.

Ms. Schimek asked unanimous consent to have her name added as cointroducer to LB 1193. No objections. So ordered.

VISITORS

Visitors to the Chamber were 28 fourth and fifth grade students and teacher from Crestridge Elementary, Omaha; six Boy Scouts and leader from Imperial; and former Senator, Mayor P. J. Morgan, from Omaha.

The Doctor of the Day was Pat Hotovy from the Lincoln Medical Education Foundation.

ADJOURNMENT

At 11:54 a.m., on a motion by Mr. Conway, the Legislature adjourned until 9:00 a.m., Tuesday, January 28, 1992.

Patrick J. O'Donnell
Clerk of the Legislature

FOURTEENTH DAY - JANUARY 28, 1992

LEGISLATIVE JOURNAL

NINETY-SECOND LEGISLATURE
SECOND SESSION

FOURTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 28, 1992

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Moul presiding.

PRAYER

The prayer was offered by Pastor Reaves Nahwooks, Lincoln Indian Center, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Rasmussen who was excused; and Messrs. Beutler, Beyer, Chambers, Dierks, Hall, Hartnett, Kristensen, Lindsay, Moore, Peterson, Withem, Mmes. Labedz, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirteenth day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 275. Placed on Select File as amended.
E & R amendment to LB 275:
AM5218

1. On page 2, line 12; and page 5, line 9; page 11, line 20; and page 12, line 5, after "purchaser" insert "of milk".

2. On page 3, strike lines 19 and 20; in line 21 strike "producer"; and in line 23 before the semicolon insert "to either the National Dairy Promotion and Research Board or a qualified program designated by the producer".

3. On page 5, line 2, strike "it" and insert "the purchaser".

4. On page 6, lines 9 and 11, after "purchasers" insert "of milk"; and in line 23 strike "elected" and insert "appointed".

5. On page 7, line 24, strike "nomination" and insert "nominations"; and in line 25 strike "for successor".

6. On page 10, line 23, strike the first "in" and insert "of".

7. On page 11, line 10, strike "the"; strike line 13 and insert "Dairy Industry Development Act."; in lines 14 and 15 strike "Dairy Industry Development Act" and insert "act".

8. On page 12, line 2, strike the comma; in lines 4 and 5 strike "Nebraska Dairy Industry Development Board" and insert "board"; and in line 6 strike the second "milk".

9. On page 13, line 18, strike the comma; in line 21 after "and" insert "the report"; and in line 23 strike "Nebraska".

10. On page 14, line 20, strike "assessments were" and insert "assessment was".

LEGISLATIVE BILL 275A. Placed on Select File as amended.
E & R amendment to LB 275A:
AM5219

1. On page 1, line 4; and page 2, lines 7 and 8 and 18, strike "First Session, 1991" and insert "Second Session, 1992".

2. On page 2, lines 3, 14, and 21, strike "FY1991-92" and insert "FY1992-93"; and in lines 4, 15, and 22, strike "FY1992-93" and insert "FY1993-94".

LEGISLATIVE BILL 522. Placed on Select File as amended.
E & R amendment to LB 522:
AM5215

1. In lieu of the Withem amendment, FA232, in

the Chizek amendment, AM2446, on page 1, lines 12 and 18, after the first "contractor" insert "having direct access to children"; and in line 12 after "of" insert "such".

2. In the Chizek amendment, AM2446:

a. On page 1, line 4, after the comma insert "any";

b. On page 2, line 23, strike "reports" and insert "report";

c. On page 5, line 12, after "certificate" insert an underscored comma; and

d. On page 6, line 22, after "descriptions" insert an underscored comma.

3. On page 1, strike lines 4 through 6 and insert "the requiring of a criminal history record information report as a condition of employment, licensure, or certification as prescribed; to"; strike beginning with the comma in line 7 through the comma in line 8; and in line 9 after the first semicolon insert "to provide a penalty;".

LEGISLATIVE BILL 522A. Placed on Select File as amended.
E & R amendment to LB 522A:
AM5216

1. On page 1, line 4, strike "First Session, 1991" and insert "Second Session, 1992".

LEGISLATIVE BILL 126. Placed on Select File.

(Signed) Eric Will, Chairperson

REPORTS

The following reports were received by the Legislature:

Annual report from Nebraska Investment Finance Authority (NIFA).

Report from Omaha School Employees Retirement System regarding their being free of any prohibited investments pursuant to section 72-1274 of the Revised Statutes of Nebraska 1943.

Report from the State Investment Council of South Africa related investments as of December 31, 1991 as required by 72-1273 (3) and 72-1274 (2) of the Nebraska Statutes.

NATURAL RESOURCE DISTRICT REPORT

In compliance with Section 2-3262 (R.R.S. 1943) a summary of all fees paid to date during calendar year 1991 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	FEE
Lewis and Clark Natural Resources District	
Jim Sheldon	10,000.04
John Thomas	1,188.30

GENERAL FILE

LEGISLATIVE BILL 470. Considered.

Mr. Bernard-Stevens moved to bracket LB 470 until February 5, 1992.

The Bernard-Stevens motion to bracket lost with 2 ayes, 17 nays, 20 present and not voting, and 10 excused and not voting.

Mrs. Crosby moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 3 nays, and 21 not voting.

Advanced to E & R for review with 25 ayes, 1 nay, 13 present and not voting, and 10 excused and not voting.

NOTICE OF COMMITTEE HEARINGS
Natural Resources

Governor Appointment	Wednesday, February 5, 1992	1:30 p.m.
William Grewcock - Nebraska Game and Parks Commission		
LR 220	Wednesday, February 5, 1992	1:30 p.m.
LB 1101	Wednesday, February 5, 1992	1:30 p.m.
LB 1020	Wednesday, February 5, 1992	1:30 p.m.

LB 981	Thursday, February 6, 1992	1:30 p.m.
LB 1028	Thursday, February 6, 1992	1:30 p.m.
LB 1122	Thursday, February 6, 1992	1:30 p.m.
LB 1257	Friday, February 7, 1992	1:30 p.m.
LB 1263	Friday, February 7, 1992	1:30 p.m.
LB 891	Wednesday, February 12, 1992	1:30 p.m.
LB 892	Wednesday, February 12, 1992	1:30 p.m.
LB 1277	Wednesday, February 12, 1992	1:30 p.m.
Governor Appointments	Thursday, February 13, 1992	1:30 p.m.

Ray Balderson - Nebraska Ethanol Authority
Stan Foster - Nebraska Ethanol Authority
G. Neale Shaner - Nebraska Gasohol Committee
Erv Friehe - Nebraska Oil and Gas Conservation Commission

LB 1005	Thursday, February 13, 1992	1:30 p.m.
LB 1233	Thursday, February 13, 1992	1:30 p.m.
LB 1206	Thursday, February 13, 1992	1:30 p.m.

(Signed) Rod Johnson, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 757. Placed on Select File as amended.
E & R amendment to LB 757:
AM5221

1. Because of the amendment of section 8-157 by Laws 1991, LB 190, section 1, and Laws 1991, LB 782, section 1, and the reissue of volumes 1 and 1A, Revised Statutes of Nebraska:

a. Strike original section 2 and insert the following new section:

"Sec. 2. That section 8-157, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

8-157. (1) No bank shall maintain any branch bank, and except as provided in subsections (2) through ~~(7)~~ (8) of this section and section 8-122.01, the general business of every bank shall be transacted at the place of business specified in its charter.

(2) With the approval of the director (a) any bank may maintain an attached auxiliary office if such office is physically connected by a pneumatic tube or tubes or a walkway, tunnel, or any other electronic, mechanical, or structural connection or attachment for the public use of the bank and is within two hundred feet of the building containing the premises specified as its place of business in its charter or any adjacent connected building housing a continuation of the operations of the bank's main office and (b) any bank may establish and maintain not more than six detached auxiliary offices at which all banking transactions allowed by law may be made. Such auxiliary offices shall be within the corporate limits of the city in which such bank is located, or if the bank is located within the zoning jurisdiction of a city of the primary class or is located within an unincorporated city or unincorporated area in a county which contains a city of the primary class, such auxiliary offices may also be within the corporate limits of such city. Any detached auxiliary office established and maintained by a bank pursuant to the acquisition or merger of an institution under sections 8-1506 to 8-1510 or the acquisition of an eligible savings association under section 8-1515 shall not count against the number or location of detached auxiliary offices permitted under this section.

(3) With the approval of the director, a bank may acquire another bank in Nebraska as the result of a purchase or merger so long as the acquired bank has been chartered for more than eighteen months and the acquired institution and its detached auxiliary offices are converted to auxiliary offices of the acquiring bank. Such auxiliary offices shall not count against the number of locations of detached auxiliary offices permitted under subsections (1) and (2) of this section.

(4) With the approval of the director, a bank may acquire the assets and assume the deposits of a detached auxiliary office of another bank in Nebraska if: (a) The acquired detached auxiliary office has been approved for more than eighteen months; (b) the acquired detached auxiliary office is converted to an auxiliary office of the acquiring bank; and (c) the bank from which the detached auxiliary office is acquired and the

acquiring bank are subsidiaries of the same bank holding company or the detached auxiliary office to be acquired was chartered as a bank prior to becoming a detached auxiliary office. All banking transactions allowed by law may be made at a detached auxiliary office acquired pursuant to this subsection. Such auxiliary office shall not count against the number of locations of detached auxiliary offices permitted under subsections (1) and (2) of this section. The restrictions contained in this subsection shall not limit the authority of a bank to acquire another bank and to continue to operate all of the detached auxiliary offices of the acquired bank as auxiliary offices of the acquiring bank.

(5) With the approval of the director, a bank may acquire the assets and assume the deposits of a detached auxiliary office of another bank in Nebraska or acquire the assets and assume the deposits of an eligible savings association acquired by another bank in Nebraska pursuant to section 8-1515 if (a) the acquired detached auxiliary office or eligible savings association is converted to an auxiliary office of the acquiring bank and (b) the detached auxiliary office or the eligible savings association to be acquired was operated, established, and maintained as an eligible savings association at its existing location prior to August 9, 1989, and was maintained at such location on such date. All banking transactions allowed by law may be made at a detached auxiliary office acquired pursuant to this subsection. Such auxiliary offices shall not count against the number of locations of detached auxiliary offices permitted under subsections (1) and (2) of this section. The restrictions contained in this subsection shall not limit the authority of a bank to acquire another bank and to continue to operate all of the detached auxiliary offices of the acquired bank as auxiliary offices of the acquiring bank.

(6) With the approval of the director, a bank may acquire a branch of a savings association which is a successor to an eligible savings association if such acquisition occurs within ninety days of the date the successor savings association acquired the eligible savings association and the branch is converted to an auxiliary office of the acquiring bank.

(7) With the approval of the director and subject to the limitations specified in this subsection, a single bank may establish one detached auxiliary office within the corporate limits of any municipality in which a financial institution has closed and ceased doing business within the preceding two years if no other financial institution operates an office within such municipality. If thirty days or less have elapsed since the financial institution ceased operation, the director shall only approve the establishment of a detached auxiliary office by a bank which has its place of business, as specified in its charter, in the same county as or in a contiguous county to the county in which such municipality is located. If more than thirty days have elapsed since the financial institution ceased operation, the director may approve the establishment of a detached auxiliary office by any bank located within Nebraska.

For purposes of this subsection:

(a) An unmanned electronic terminal shall not be deemed to be an office operated by a financial institution; and

(b) Financial institution shall mean a bank, savings bank, building and loan association, savings and loan association, industrial loan and investment company, credit union, or other institution offering electronic terminal transactions.

~~(7)~~ (8) The name given to any detached bank or branch bank established and maintained pursuant to this section shall not be substantially similar to the name of any existing bank or branch bank which is unaffiliated with the newly created bank or branch bank and is located in the same municipality. The name of such newly created bank or branch bank shall be approved by the director.".

b. On page 3, line 1; and page 20, line 24, before "Revised" insert "Reissue";

c. On page 3, line 2; and page 20, line 25, strike "Supplement, 1990" and insert "of Nebraska, 1943"; and

d. On page 24, line 21, after "sections" insert "8-108, 8-157,"; in line 22 after the third comma insert "8-1515,"; and strike beginning with "and" in line 23 through the last comma in line 24.

2. On page 1, line 2, after "sections" insert "8-108, 8-157," and after the last comma insert "8,1515,"; strike beginning with the second comma in line 4 through "1990" in line 5; and in line 13 strike "and services".

3. On page 23, line 18, strike the comma.

LEGISLATIVE BILL 758. Placed on Select File as amended.
E & R amendment to LB 758:
AM5220

1. Because of the amendment of section 81-1111 by Laws 1991, LB305, section 5, and the reissuance of volumes 1 and 1A, Revised Statutes of Nebraska:

a. Strike original sections 2 and 3 and insert the following new sections:

"Sec. 2. That section 8-1111, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

8-1111. Except as provided in this section, sections 8-1103 to 8-1109 shall not apply to any of the following transactions:

(1) Any isolated transaction, whether effected through a broker-dealer or not;

(2) Any nonissuer distribution of an outstanding security by a registered agent of a registered broker-dealer if (a) a recognized securities manual contains the name of the issuer's officers and directors, a balance sheet of the issuer as of a date within eighteen months, and a profit and loss statement for either the fiscal year preceding that date or the most recent year of operations or (b) the security has a fixed maturity or a fixed interest or dividend provision and there has been no default during the current fiscal year or within the three preceding fiscal years, or during the existence of the issuer and any predecessors if less than three years, in the payment of principal, interest, or dividends on the security;

(3) Any nonissuer transaction effected by or through a registered agent of a registered broker-dealer pursuant to an unsolicited order or offer to buy, but the director may by rule or regulation require that the

customer acknowledge upon a specified form that the sale was unsolicited and that a signed copy of each such form be preserved by the broker-dealer for a specified period;

(4) Any transaction between the issuer or other person on whose behalf the offering is made and an underwriter or among underwriters;

(5) Any transaction in a bond or other evidence of indebtedness secured by a real or chattel mortgage or deed of trust or by an agreement for the sale of real estate or chattels if the entire mortgage, deed of trust, or agreement, together with all the bonds or other evidences of indebtedness secured thereby, are offered and sold as a unit. Such exemption shall not apply to any transaction in a bond or other evidence of indebtedness secured by a real estate mortgage or deed of trust or by an agreement for the sale of real estate if the real estate securing the evidences of indebtedness are parcels of real estate the sale of which requires the subdivision in which the parcels are located to be registered under the Interstate Land Sales Full Disclosure Act, 82 Stat. 590 et seq., 15 U.S.C. 1701 et seq.;

(6) Any transaction by an executor, personal representative, administrator, sheriff, marshal, receiver, trustee in bankruptcy, guardian, or conservator;

(7) Any transaction executed by a bona fide pledgee without any purpose of evading the Securities Act of Nebraska;

(8) Any offer or sale to a bank, savings institution, trust company, insurance company, investment company as defined in the Investment Company Act of 1940, pension or profit-sharing trust, or other financial institution or institutional buyer or to a broker-dealer, whether the purchaser is acting for itself or in some fiduciary capacity;

(9) Any transaction pursuant to a sale to not more than ten persons, other than those designated in subdivisions (8) and (11) of this section, in this state during any period of twelve consecutive months if (a) the seller reasonably believes that all the buyers are purchasing for investment, (b) no commission or other

remuneration is paid or given directly or indirectly for soliciting any prospective buyer except to a registered agent of a registered broker-dealer, (c) a notice generally describing the terms of the transaction and containing a representation that the conditions of this exemption are met is filed by the seller with the director within thirty days after the first sale for which this exemption is claimed, except that failure to give such notice may be cured by an order issued by the director in his or her discretion, and (d) no solicitations are made by newspaper, radio, or television;

(10) Any offer or sale of a preorganization certificate or subscription if (a) no commission or other remuneration is paid or given directly or indirectly for soliciting any prospective subscriber, (b) the number of subscribers does not exceed ten, and (c) no payment is made by any subscriber;

(11) Any transaction pursuant to an offer to existing security holders of the issuer, including persons who at the time of the transaction are holders of convertible securities, nontransferable warrants, or transferable warrants exercisable within not more than ninety days of their issuance, if (a) no commission or other remuneration, other than a standby commission, is paid or given directly or indirectly for soliciting any security holder in this state or (b) the issuer first files a notice specifying the terms of the offer and the director does not by order disallow the exemption within the next five full business days;

(12) Any offer, but not a sale, of a security for which registration statements have been filed under both the Securities Act of Nebraska and the Securities Act of 1933 if no stop order or refusal order is in effect and no public proceeding or examination looking toward such an order is pending under either the Securities Act of Nebraska or the Securities Act of 1933;

(13) The issuance of any stock dividend, whether the corporation distributing the dividend is the issuer of the stock or not, if nothing of value is given by the stockholders for the distribution other than the surrender of a right to a cash dividend when the

stockholder can elect to take a dividend in cash or stock;

(14) Any transaction incident to a right of conversion or a statutory or judicially approved reclassification, recapitalization, reorganization, quasi-reorganization, stock split, reverse stock split, merger, consolidation, or sale of assets;

(15) Any transaction involving the issuance for cash of any evidence of ownership interest or indebtedness by an agricultural cooperative formed as a corporation under section 21-1301 or 21-1401 if the issuer has first filed a notice of intention to issue with the director and the director has not by order, mailed to the issuer by certified or registered mail within ten business days after receipt thereof, disallowed the exemption; ~~or~~

(16) Any transaction in this state not involving a public offering when (a) there is no general or public advertising or solicitation, (b) no commission or remuneration is paid directly or indirectly for soliciting any prospective buyer, except to a registered agent of a registered broker-dealer or registered issuer-dealer, (c) a notice generally describing the terms of the transaction and containing a representation that the conditions of this exemption are met is filed by the seller with the director within thirty days after the first sale for which this exemption is claimed, except that failure to give such notice may be cured by an order issued by the director in his or her discretion, (d) a filing fee of two hundred dollars is paid at the time of filing the notice, and (e) any such transaction is effected in accordance with rules and regulations adopted and promulgated by the director relating to this section when the director finds in adopting and promulgating such rules and regulations that the applicability of sections 8-1104 to 8-1107 is not necessary or appropriate in the public interest or for the protection of investors. For purposes of this subdivision, not involving a public offering shall mean any offering in which the seller has reason to believe that the securities purchased are taken for investment and in which each offeree, by reason of his or her knowledge about the affairs of the issuer or otherwise,

does not require the protections afforded by registration under sections 8-1104 to 8-1107 in order to make a reasonably informed judgment with respect to such investment; or

(17) The issuance of any investment contract issued in connection with an employees stock purchase, savings, pension, profit-sharing, or similar benefit plan if no commission or other remuneration is paid or given directly or indirectly for soliciting any prospective buyer except to a registered agent of a registered broker-dealer and if the director is notified in writing within thirty days after the inception of the plan or, with respect to plans which were in effect prior to August 18, 1965, but closed on that date, within thirty days after they are reopened.

The director may by order deny or revoke the exemption specified in subdivision (2) of this section with respect to a specific security. Upon the entry of such an order, the director shall promptly notify all registered broker-dealers that it has been entered and of the reasons therefor and that within fifteen business days of the receipt of a written request the matter will be set down for hearing. If no hearing is requested within fifteen business days of the issuance of the order and none is ordered by the director, the order shall automatically become a final order and shall remain in effect until it is modified or vacated by the director. If a hearing is requested or ordered, the director, after notice of and opportunity for hearing to all interested persons, shall enter his or her written findings of fact and conclusions of law and may affirm, modify, or vacate the order. No such order may operate retroactively. No person may be considered to have violated the provisions of the Securities Act of Nebraska by reason of any offer or sale effected after the entry of any such order if he or she sustains the burden of proof that he or she did not know and in the exercise of reasonable care could not have known of the order. In any proceeding under the Securities Act of Nebraska, the burden of proving an exemption from a definition shall be upon the person claiming it.

Sec. 3. That original sections 8-1110 and 8-1111, Reissue Revised Statutes of Nebraska, 1943, are repealed."; and

b. On page 2, line 1, after the comma insert "Reissue"; and in line 2 strike "Supplement, 1990" and insert "of Nebraska, 1943".

2. On page 1, line 2, after the comma insert "Reissue"; and in line 3 strike "Supplement, 1990" and insert "of Nebraska, 1943".

LEGISLATIVE BILL 434. Placed on Select File as amended.
E & R amendment to LB 434:
AM5222

1. On page 3, line 1, strike the first "are" and insert "is".

LEGISLATIVE BILL 435. Placed on Select File.
LEGISLATIVE BILL 734. Placed on Select File.
LEGISLATIVE BILL 28. Placed on Select File.

(Signed) Eric Will, Chairperson

UNANIMOUS CONSENT - Member Excused

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 948. Title read. Considered.

Mr. Schrock offered the following amendment:
AM2536

1. Strike original section 1 and insert the following new section:

"Section 1. Any person who has used stored water for beneficial purposes on lands other than those described in a permit issued to the owner of the storage reservoir pursuant to section 46-242 may continue to receive and use such stored water for irrigation purposes and the permitholder may continue to deliver such stored water pending any final adjudication in an administrative proceeding conducted by the Department of Water Resources, subject to the following conditions:

(1) The water may be delivered to and used for

a beneficial purpose only on land to which such delivery has been made in at least one year in the six-year period prior to the year in which the administrative proceedings commences;

(2) The total amount of water delivered in each of the two calendar years following the commencement of the administrative proceeding to the lands in question by the person holding the permit shall not exceed the greatest amount delivered to such land in any one of the three years prior to the year in which the administrative proceeding commences;

(3) A complete and final application for a permit to irrigate such land pursuant to section 46-242 shall be filed with the department within three months after the department notifies the permitholder and the recipient of the deliveries that an administrative proceeding will be held regarding the lands in question. No amendments to the application shall be allowed after that date;

(4) The storage and use of such water shall be in compliance with all other applicable provisions of law and the rules and regulations of the department; and

(5) The right to continue to deliver and use such stored water without a permit describing such lands shall expire at 11:59 p.m. on the last day of the twenty-fourth month after notification by the department to the permitholder and the recipient of the commencement of the administrative proceedings, or, if applicable, six months after the Director of Water Resources denies the permit for use of such water on such land, whichever date is earlier.".

The Schrock amendment was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Mr. Chizek asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for review with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs

LB 1117	Thursday, February 6, 1992 (Cancelled)	1:30 p.m.
LB 1117	Wednesday, February 12, 1992 (Reset)	1:30 p.m.

(Signed) Gerald Conway, Chairperson

Judiciary

LB 975	Wednesday, February 5, 1992	1:30 p.m.
LB 1118	Wednesday, February 5, 1992	1:30 p.m.
LB 1145	Wednesday, February 5, 1992	1:30 p.m.
LB 1147	Wednesday, February 5, 1992	1:30 p.m.
LB 901	Thursday, February 6, 1992	1:30 p.m.
LB 1221	Thursday, February 6, 1992	1:30 p.m.
LB 1037	Thursday, February 6, 1992	1:30 p.m.
LR 222	Thursday, February 6, 1992	1:30 p.m.
LB 1227	Thursday, February 6, 1992	1:30 p.m.
LB 1200	Friday, February 7, 1992	1:30 p.m.
LB 1039	Friday, February 7, 1992	1:30 p.m.
LB 1034	Friday, February 7, 1992	1:30 p.m.
LB 963	Wednesday, February 12, 1992	1:30 p.m.
LB 1209	Wednesday, February 12, 1992	1:30 p.m.
LB 1148	Wednesday, February 12, 1992	1:30 p.m.
LB 875	Wednesday, February 12, 1992	1:30 p.m.
LB 895	Thursday, February 13, 1992	1:30 p.m.
LB 1199	Thursday, February 13, 1992	1:30 p.m.
LB 1195	Thursday, February 13, 1992	1:30 p.m.
LB 1287	Thursday, February 13, 1992	1:30 p.m.
LB 914	Wednesday, February 19, 1992	1:30 p.m.
LB 1225	Wednesday, February 19, 1992	1:30 p.m.
LB 991	Wednesday, February 19, 1992	1:30 p.m.
LB 874	Thursday, February 20, 1992	1:30 p.m.
LB 935	Thursday, February 20, 1992	1:30 p.m.
LB 880	Thursday, February 20, 1992	1:30 p.m.
LB 1270	Thursday, February 20, 1992	1:30 p.m.

LR 213CA	Thursday, February 20, 1992	1:30 p.m.
LB 872	Thursday, February 20, 1992	1:30 p.m.
LB 1265	Friday, February 21, 1992	1:30 p.m.
LB 1255	Friday, February 21, 1992	1:30 p.m.
LB 1219	Friday, February 21, 1992	1:30 p.m.
LB 1211	Friday, February 21, 1992	1:30 p.m.
LB 1098	Wednesday, February 26, 1992	1:30 p.m.
LB 1107	Wednesday, February 26, 1992	1:30 p.m.
LB 952	Wednesday, February 26, 1992	1:30 p.m.
LB 1190	Wednesday, February 26, 1992	1:30 p.m.
LR 211CA	Wednesday, February 26, 1992	1:30 p.m.
LB 937	Thursday, February 27, 1992	1:30 p.m.
LB 1053	Thursday, February 27, 1992	1:30 p.m.
LB 1185	Thursday, February 27, 1992	1:30 p.m.
LB 919	Thursday, February 27, 1992	1:30 p.m.
LB 1049	Thursday, February 27, 1992	1:30 p.m.

(Signed) Jerry Chizek, Chairperson

GENERAL FILE

LEGISLATIVE BILL 130. Title read. Considered.

Standing Committee amendment, AM0848, found in the Journal on page 1210, First Session, 1991, was considered.

Mr. Moore offered the following amendment to the Standing Committee amendment:
AM2551

(Amendments to Standing Committee amendments, AM0848)

1. On page 1, line 18, after "public" insert "or in any establishment having a license issued under the Nebraska Liquor Control Act for the sale of alcoholic liquor for consumption on the premises".

2. On page 2, line 4, strike "1993" and insert "1994".

Ms. Schimek requested a division of the question on the Moore amendment.

The Chair sustained the division of the question.

The first Moore amendment, to the Standing Committee amendment, is as follows:
FA240

(Amendments to Standing Committee amendments, AM0848)

2. On page 2, line 4, strike "1993" and insert "1994".

The first Moore amendment was adopted with 23 ayes, 0 nays, 19 present and not voting, and 7 excused and not voting.

The second Moore amendment, to the Standing Committee amendment, is as follows:
FA241

(Amendments to Standing Committee amendments, AM0848)

1. On page 1, line 18, after "public" insert "or in any establishment having a license issued under the Nebraska Liquor Control Act for the sale of alcoholic liquor for consumption on the premises".

SPEAKER BAACK PRESIDING

PRESIDENT MOUL PRESIDING

The second Moore amendment was adopted with 16 ayes, 9 nays, 17 present and not voting, and 7 excused and not voting.

Mr. Moore offered the following amendment to the Standing Committee amendment:
AM2552

(Amendments to Standing Committee amendment, AM0848)

1. On page 2, strike beginning with "at" in line 1 through the period in line 2 and insert "regulating the dispensing of cigarettes or other tobacco products from a vending machine or similar device, but if the provisions of any such ordinance conflict with the provisions of sections 2 to 4 of this act, the provisions of such sections shall control.".

Mr. L. Johnson asked unanimous consent to be excused. No objections. So ordered.

Mr. Moore withdrew his pending amendment.

Ms. Schimek offered the following amendment to the Standing Committee amendment:
FA242

Amend AM2551, on line 4, after the "." insert, "Any cigarette vending machine on such premises shall be within 5 feet of the main cash register."

Messrs. Schmit and R. Johnson asked unanimous consent to be excused. No objections. So ordered.

Ms. Schimek moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Ms. Schimek requested a roll call vote on her amendment.

Voting in the affirmative, 11:

Chambers
Dierks
Lamb
Nelson
Peterson
Robinson
Rogers
Schimek
Wehrbein
Wesely
Withem

Voting in the negative, 30:

Abboud
Ashford
Baack
Bernard-Stevens
Beutler
Bohlke
Byars
Conway
Coordsen
Crosby
Cudaback
Elmer
Haberman
Hartnett
Hefner
Hillman
Horgan
Labedz
Landis
Lindsay
Lynch
Moore
Morrissey
Pirsch
Robak
Schellpeper
Schrock
Warner
Wickersham
Will

Excused and not voting, 8:

Beyer
Chizek
Hall
Johnson, L.
Johnson, R.
Kristensen
Rasmussen
Schmit

The Schimek amendment lost with 11 ayes, 30 nays, and 8 excused and not voting.

The Chair declared the call raised.

Mr. Haberman and Mrs. Robak asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers offered the following amendment to the Standing Committee amendment:
FA243

After line 4 of the Moore amendment (AM2551), add:

If cigarettes or other tobacco products are dispensed from a vending machine to a minor in any establishment having such a license, such license shall be suspended for six months. A subsequent sale to minors from a vending machine shall result in the permanent revocation of such license.

Mr. Morrissey asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 15:

Ashford
Beutler
Bohlke
Chambers
Dierks
Horgan
Lamb
Lindsay
Nelson
Peterson
Pirsch
Robinson
Rogers
Schimek
Wesely

Voting in the negative, 24:

Abboud
Baack
Bernard-Stevens
Byars
Conway
Coordsen
Crosby
Cudaback
Elmer
Hartnett
Hefner
Hillman
Kristensen
Labedz
Landis
Lynch
Moore
Schellpeper
Schrock
Warner
Wehrbein
Wickersham
Will
Withem

Excused and not voting, 10:

Beyer
Chizek
Haberman
Hall
Johnson, L.
Johnson, R.
Morrissey
Rasmussen
Robak
Schmit

The Chambers amendment lost with 15 ayes, 24 nays, and 10 excused and not voting.

The Chair declared the call raised.

Mmes. Pirsch and Labedz asked unanimous consent to be excused. No objections. So ordered.

The Standing Committee amendment, as amended, was adopted with 28 ayes, 2 nays, 7 present and not voting, and 12 excused and not voting.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 560. Placed on Select File as amended.
E & R amendment to LB 560:
AM5223

1. Because of the amendment of section 81-8,239.01 by Laws 1991, LB 81, section 7, strike original sections 2 and 3 and insert the following new sections:

"Sec. 2. That section 81-8,239.01, Revised Statutes Supplement, 1991, be amended to read as follows:

81-8,239.01. (1) For purposes of sections ~~44-1615, 44-1616, and~~ 81-8,239.01 to ~~81-8,239.04~~ 81-8,239.07 and section 1 of this act, unless the context otherwise requires, the definition of state agencies found in section 81-8,210 shall apply, except that such term shall not include the Board of Regents of the University of Nebraska.

(2) There is hereby established a Risk Management Program for the State of Nebraska. The program shall consist of the systematic identification of exposures to risk of loss as provided in section 1 of this act and sections 11-201 to 11-203, 13-911, 25-2165, 44-1615, 44-1616, 48-194, 48-197, 48-1,103, 48-1,104, 48-1,107, 48-1,109, 81-8,212, 81-8,220, 81-8,225, 81-8,226, 81-8,233, 81-8,239.01 to 81-8,239.07, and 81-8,300 and shall include the appropriate methods for dealing with such exposures in relation to the state

budget pursuant to such sections. Such program shall be administered by the Risk Manager and shall include the operations of the State Claims Board and other operations provided in such sections.

(3) Under the Risk Management Program, the Risk Manager shall have the authority and responsibility to:

(a) Employ any personnel necessary to administer the Risk Management Program;

(b) Develop and maintain loss and exposure data on all state property and liability risks;

(c) Develop and recommend risk reduction or elimination programs for the state and its agencies and establish, implement, and monitor a statewide safety program;

(d) Determine which risk exposures shall be insured and which risk exposures shall be self-insured or assumed by the state;

(e) Establish standards for the purchase of necessary insurance coverage or risk management services at the lowest costs, consistent with good underwriting practices and sound risk management techniques;

(f) Be the exclusive negotiating and contracting agency to purchase insurance or risk management services and, after consultation with the state agency for which the insurance or services are purchased, enter into such contracts on behalf of the state and its agencies, officials, and employees to the extent deemed necessary and in the best interest of the state, and authorize payment for such purchase out of the appropriate funds created by section 81-8,239.02;

(g) Determine whether the state suffered a loss for which self-insured property loss funds have been created and authorize and administer payments for such loss from the State Self-Insured Property Fund for the purpose of replacing or rebuilding state property;

(h) Perform all duties assigned to the Risk Manager under the Nebraska Workers' Compensation Act and sections 11-201 to 11-203, 81-8,239.05, 81-8,239.07, and 84-1603;

(i) Approve the use of risk management pools by any department, agency, board, bureau, commission, or council of the State of Nebraska; and

(j) Recommend to the Legislature such legislation as may be necessary to carry out the purposes of section 1 of this act and sections 11-201 to 11-203, 13-911, 25-2165, 44-1615, 44-1616, 48-194, 48-197, 48-1,103, 48-1,104, 48-1,107, 48-1,109, 81-8,212, 81-8,220, 81-8,225, 81-8,226, 81-8,233, 81-8,239.01 to 81-8,239.07, and 81-8,300 and make appropriation requests for the administration of the Risk Management Program and the funding of the separate funds administered by the Risk Manager.

(4) No official or employee of any entity created by local public agencies pursuant to the Interlocal Cooperation Act shall be considered a state official or employee for purposes of sections 81-8,239.01 to 81-8,239.06.

Sec. 3. That original section 81-8,239.01, Revised Statutes Supplement, 1991, is repealed.".

2. On page 1, line 3, strike "1990" and insert "1991".

LEGISLATIVE BILL 643. Placed on Select File.
LEGISLATIVE BILL 49. Placed on Select File.
LEGISLATIVE BILL 489. Placed on Select File.
LEGISLATIVE BILL 111. Placed on Select File.

LEGISLATIVE BILL 169. Placed on Select File as amended.
E & R amendment to LB 169:
AM5224

1. Because of the amendment of section 81-8,239.01 by Laws 1991, LB 81, section 7:

a. Strike original section 3 and insert the following new section:

"Sec. 3. That section 81-8,239.01, Revised Statutes Supplement, 1991, be amended to read as follows:

81-8,239.01. (1) For purposes of sections ~~44-1615, 44-1616, and~~ 81-8,239.01 to 81-8,239.04, unless the context otherwise requires, the definition of state agencies found in section 81-8,210 shall apply, except that such term shall not include the Board of Regents of the University of Nebraska.

(2) There is hereby established a Risk Management Program for the State of Nebraska. The

program shall consist of the systematic identification of exposures to risk of loss as provided in section 2 of this act and sections 11-201 to 11-203, 13-911, 25-2165, 44-1615, 44-1616, 48-194, 48-197, 48-1,103, 48-1,104, 48-1,107, 48-1,109, 81-8,212, 81-8,220, 81-8,225, 81-8,226, 81-8,233, 81-8,239.01 to 81-8,239.07, and 81-8,300 and shall include the appropriate methods for dealing with such exposures in relation to the state budget pursuant to such sections. Such program shall be administered by the Risk Manager and shall include the operations of the State Claims Board and other operations provided in such sections.

(3) Under the Risk Management Program, the Risk Manager shall have the authority and responsibility to:

(a) Employ any personnel necessary to administer the Risk Management Program;

(b) Develop and maintain loss and exposure data on all state property and liability risks;

(c) Develop and recommend risk reduction or elimination programs for the state and its agencies and establish, implement, and monitor a statewide safety program;

(d) Determine which risk exposures shall be insured and which risk exposures shall be self-insured or assumed by the state;

(e) Establish standards for the purchase of necessary insurance coverage or risk management services at the lowest costs, consistent with good underwriting practices and sound risk management techniques;

(f) Be the exclusive negotiating and contracting agency to purchase insurance or risk management services and, after consultation with the state agency for which the insurance or services are purchased, enter into such contracts on behalf of the state and its agencies, officials, and employees to the extent deemed necessary and in the best interest of the state, and authorize payment for such purchase out of the appropriate funds created by section 81-8,239.02;

(g) Determine whether the state suffered a loss for which self-insured property loss funds have been created and authorize and administer payments for such loss from the State Self-Insured Property Fund for the purpose of replacing or rebuilding state property;

(h) Perform all duties assigned to the Risk Manager under the Nebraska Workers' Compensation Act and sections 11-201 to 11-203, 81-8,239.05, 81-8,239.07, and 84-1603;

(i) Approve the use of risk management pools by any department, agency, board, bureau, commission, or council of the State of Nebraska; and

(j) Recommend to the Legislature such legislation as may be necessary to carry out the purposes of section 2 of this act and sections 11-201 to 11-203, 13-911, 25-2165, 44-1615, 44-1616, 48-194, 48-197, 48-1,103, 48-1,104, 48-1,107, 48-1,109, 81-8,212, 81-8,220, 81-8,225, 81-8,226, 81-8,233, 81-8,239.01 to 81-8,239.07, and 81-8,300 and make appropriation requests for the administration of the Risk Management Program and the funding of the separate funds administered by the Risk Manager.

(4) No official or employee of any entity created by local public agencies pursuant to the Interlocal Cooperation Act shall be considered a state official or employee for purposes of sections 81-8,239.01 to 81-8,239.06."; and

b. On page 1, line 4; and page 8, line 4, strike "1990" and insert "1991".

2. On page 4, line 11, after the comma insert "and".

LEGISLATIVE BILL 274. Placed on Select File as amended.
E & R amendment to LB 274:
AM5225

1. On page 1, line 3, after "provide" insert "powers and".

2. On page 2, line 9, after "and" insert "Nebraska"; and in line 11 after "Stabilization" insert "and".

LEGISLATIVE BILL 722. Placed on Select File.

LEGISLATIVE BILL 366. Placed on Select File as amended.
E & R amendment to LB 366:
AM5226

1. On page 1, line 1, strike "88-535,"; in

line 2 strike the first comma; in line 6 strike "scale tickets,"; and in line 7 after the semicolon insert "to change the distribution of inspection fees for grain moisture testing devices;".

2. On page 5, line 22, after "The" insert "State Treasurer shall credit the"; and strike beginning with "the" in line 23 through "credit" in line 24.

LEGISLATIVE BILL 366A. Placed on Select File as amended.
E & R amendment to LB 366A:
AM5227

1. On page 1, line 4; and page 2, line 7, strike "First Session, 1991" and insert "Second Session, 1992".

2. On page 2, lines 3 and 12, strike "FY1991-92" and insert "FY1992-93"; and in lines 4 and 14, strike "FY1992-93" and insert "FY1993-94".

(Signed) Eric Will, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 757 in the Journal. No objections. So ordered.

(Amendment on file in the Clerk's Office - Room 2018 - AM2322.)

Messrs. Withem and Bernard-Stevens asked unanimous consent to print the following amendment to LB 245 in the Journal. No objections. So ordered.

AM2546

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. (1) The Legislature finds and declares that:

(a) The public school system in Nebraska is a multimillion-dollar enterprise which demands accountability to parents, to taxpayers, to employers, and, most importantly, to students;

(b) Nebraska is in need of a comprehensive and reliable system of accountability for student performance in the public school system;

(c) Nebraska needs to establish standards for learner outcomes which match the demands of citizens and workers in the twenty-first century; and

(d) Current state accountability processes do not adequately measure student achievement nor the success or failure of the public schools in helping students master specific outcomes; and

(e) Nebraska needs a statewide system of accountability for determining achievement of learner outcomes.

(2) It is the intent of the Legislature to establish a process for the (a) identification of state standards for learner outcomes which are critical to the future of the state and (b) development, through a systematic and comprehensive public process, of a valid, accurate, and educationally sound system of assessing the progress of Nebraska students in achieving those outcomes.

Sec. 2. There is hereby created the Nebraska Schools Accountability Commission. The commission shall consist of eleven members as follows: Two members of the Legislature appointed by the Executive Board of the Legislative Council; and one representative from the Governor's office, two public school classroom teachers, two administrators or administrative staff members, one parent, one school board member, one representative of business and industry, and one representative of agriculture, all appointed by the Governor upon the recommendations of associations and organizations representing parents, teachers, school administrators, and school board members. Members shall be appointed no later than July 15, 1992, and shall serve for the life of the commission. Members shall not receive a per diem. Members shall be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1177.

Sec. 3. (1) Phase I of the development of the accountability system shall begin September 1, 1992, and end September 1, 1994. The Nebraska Schools Accountability Commission shall develop broad curriculum frameworks and standards for learner outcomes which shall be based upon the frameworks, standards, and assessments determined by the School Restructuring Commission, including the curriculum areas listed in section 4 of this act. It is the intent of the Legislature that local school boards retain responsibility for the content of the instructional programs within the broad curriculum frameworks.

(2) Phase II shall begin May 1, 1993, and end on May 1, 1996. Phase II shall provide for the development of a reliable, accurate, and educationally sound system of assessing student progress towards achieving the standards for learner outcomes determined pursuant to subsection (1) of this section.

Sec 4. The Nebraska Schools Accountability Commission and the State Department of Education may work with other states or a multistate consortium to develop a system of authentic assessment of learner outcomes in mathematics, science, reading, language arts, and social studies. The department shall provide staff support to the commission in all phases. The commission shall also be charged with the development of the accountability system and shall report the progress of such development to the Legislature and the State Board of Education on an annual basis.

Sec. 5. The accountability system shall be completed not later than July 1, 1996, and the Nebraska Schools Accountability Commission shall terminate on such date.

Sec. 6. The Nebraska Schools Accountability Commission Cash Fund is hereby created. Any funds appropriated by the Legislature to carry out sections 1 to 5 of this act and any other money received pursuant to such sections shall be credited to the fund. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.".

NOTICE OF COMMITTEE HEARINGS
Health and Human Services

LB 1278	Wednesday, February 5, 1992	1:30 p.m.
LB 1236	Wednesday, February 5, 1992	1:30 p.m.
LB 1018	Wednesday, February 5, 1992	1:30 p.m.

LB 1062	Thursday, February 6, 1992	1:30 p.m.
LB 1184	Thursday, February 6, 1992	1:30 p.m.

Governor Appointments Friday, February 7, 1992 1:30 p.m.
Rural Health Advisory Commission
Roger Wells
Michael Sitoruis
Marcia Freer
Faye Schellpeper
Michael Haller
Child Abuse Prevention Fund Board
Nancy Nielsen
Gay Angel McTate

LB 1286	Friday, February 7, 1992	1:30 p.m.
LB 1183	Friday, February 7, 1992	1:30 p.m.
LB 1038	Friday, February 7, 1992	1:30 p.m.
LB 1234	Friday, February 7, 1992	1:30 p.m.

(Signed) Don Wesely, Chairperson

Education

LB 1082 Tuesday, February 18, 1992 (Cancelled)

(Signed) Ron Withem, Chairperson

Urban Affairs

LB 1036	Tuesday, February 4, 1992	1:30 p.m.
LB 941	Tuesday, February 4, 1992	1:30 p.m.
LB 1087	Tuesday, February 4, 1992	1:30 p.m.
LB 1093	Tuesday, February 4, 1992	1:30 p.m.
LB 1105	Tuesday, February 4, 1992	1:30 p.m.
LB 1106	Tuesday, February 4, 1992	1:30 p.m.
LB 1168	Tuesday, February 4, 1992	1:30 p.m.
LB 1256	Tuesday, February 11, 1992	1:30 p.m.
LB 1167	Tuesday, February 11, 1992	1:30 p.m.
LB 1248	Tuesday, February 11, 1992	1:30 p.m.
LB 1251	Tuesday, February 11, 1992	1:30 p.m.
LB 1247	Tuesday, February 11, 1992	1:30 p.m.

LB 1249	Tuesday, February 18, 1992	1:30 p.m
LB 1252	Tuesday, February 18, 1992	1:30 p.m
LB 1261	Tuesday, February 18, 1992	1:30 p.m
LB 1253	Tuesday, February 18, 1992	1:30 p.m

(Signed) D. Paul Hartnett, Chairperson

UNANIMOUS CONSENT-Announcement

Mr. Hall asked unanimous consent that the Revenue Committee switch hearing rooms with the Natural Resources Committee on Thursday, January 30 and Friday, January 31. No objections. So ordered.

Revenue Committee - Room 1517
Natural Resources Committee - Room 1520

VISITORS

Visitors to the Chamber were Ted Hoffman, Gary Dorshorst, and Bennet Johnson; Dick and Jackie Herren from Harrison; Sandy Johnson from Omaha; Ed Rediger from Hampton, Cal Godding from Seward, and Bob Ehlers from York; 11 seniors and teacher from Norfolk; and Richard Commealy, Don Bartling, and Vince Krampert.

ADJOURNMENT

At 12:10 p.m., on a motion by Speaker Baack, the Legislature adjourned until 9:00 a.m., Wednesday, January 29, 1992.

Patrick J. O'Donnell
Clerk of the Legislature

LEGISLATIVE JOURNAL

NINETY-SECOND LEGISLATURE
SECOND SESSION

FIFTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 29, 1992

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Moul presiding.

PRAYER

The prayer was offered by Pastor Tom Stebbins, Christ Community Church, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Morrissey and Wesely who were excused; and Messrs. Abboud, Ashford, Bernard-Stevens, Chambers, Haberman, Hall, Hartnett, Horgan, R. Johnson, Lynch, Moore, Schmit, Withem, Mmes. Bohlke, Hillman, Nelson, Rasmussen, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fourteenth day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 415. Placed on Select File as amended.
E & R amendment to LB 415:
AM5229

1. In the Standing Committee amendment, AM0279, on page 2, line 19, reinstate the stricken

comma.

2. On page 1, strike beginning with "class" in line 1 through line 5 and insert "and second classes and villages; to amend sections 16-722, 19-1101, and 19-1102, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to publication of financial statements, official proceedings, and salaries; and to repeal the original sections.".

LEGISLATIVE BILL 706. Placed on Select File as amended.
E & R amendment to LB 706:
AM5231

1. On page 3, line 10, strike "7" and insert "6".

2. On page 5, line 11, after "act" insert a comma.

LEGISLATIVE BILL 706A. Placed on Select File as amended.
E & R amendment to LB 706A:
AM5230

1. On page 1, line 4; and page 2, line 6, strike "First Session, 1991" and insert "Second Session, 1992".

2. On page 2, line 2, strike "FY1991-92" and insert "FY1992-93"; and in line 3 strike "FY1992-93" and insert "FY1993-94".

LEGISLATIVE BILL 339. Placed on Select File as amended.
E & R amendment to LB 339:
AM5228

1. On page 1, strike beginning with "permit" in line 1 through line 3 and insert "authorize a memorandum of agreement for cooperative law enforcement as prescribed.".

(Signed) Eric Will, Chairperson

STANDING COMMITTEE REPORTS
Agriculture

LEGISLATIVE BILL 971. Placed on General File.
LEGISLATIVE BILL 1011. Placed on General File.

(Signed) Carson Rogers, Chairperson

ATTORNEY GENERAL'S OPINIONS

Opinion No. 92010

DATE: January 27, 1992

SUBJECT: Amendment of Sales and Use Tax Statutes to Exempt Purchases by County Agricultural Societies.

REQUESTED BY: Senator Douglas A. Kristensen
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
L. Jay Bartel, Assistant Attorney General

You have requested our opinion as to whether county agricultural societies organized pursuant to Neb.Rev.Stat. §§ 2-201 to 2-217 (Reissue 1987) qualify for exemption from sales and use tax under the Nebraska Revenue Act of 1967, as amended. Your specific question is whether purchases by county agricultural societies are exempt under Neb.Rev.Stat. § 77-2704(1)(l)(i) (Supp. 1991). In the event that county agricultural societies are not exempt pursuant to this provision, you have included proposed legislation to amend § 77-2704(1) to provide an exemption for "{p}urchases by a county agricultural society as defined in sections 2-201 to 2-217. . . ."

Neb.Rev.Stat. § 77-2704 provides, in pertinent part, as follows:

> (1) There are exempted from the computation of the amount of sales and use taxes imposed by the Nebraska Revenue Act of 1967 the gross receipts from the sale, lease, or rental of and the storage, use, or other consumption in this state of the following:
>
> * * *
>
> (l)(i) Purchases by the state, including public educational institutions recognized or established under the provisions of Chapter 85, or by any county, township, city, village, or rural or suburban fire protection district, except for purchases for use in the business of furnishing gas, water, electricity, or heat, or by any irrigation or reclamation district, the irrigation division of any public power and irrigation district, or public schools established under Chapter 79.

In a previous opinion, this office concluded that a county agricultural society is not a "political subdivision of the state." Report of Attorney

General 1979-80, Opinion No. 201, January 21, 1980, p. 288. We note that, in a Nebraska Supreme Court case decided subsequent to our issuance of this opinion, it was held that ". . .a county agricultural society is a public body subject to the provisions of the public meetings law." Nixon v. Madison County Agricultural Society, 217 Neb. 37, 39, 348 N.W.2d 119, 120 (1984). Further, in a recent opinion, we concluded that, based on the reasoning in the Nixon case, county agricultural societies are also subject to the public records statutes. Attorney General Opinion No. 91007, January 29, 1991.

Irrespective of whether a county agricultural society constitutes a "political subdivision," it is evident that a county agricultural society is not among the types of governmental units exempted under the plain language of § 77-2704(1)(l)(i). Statutes conferring exemptions from taxation are strictly construed. Nucor Steel v. Leuenberger, 233 Neb. 863, 448 N.W.2d 909 (1989). Only those entities specifically enumerated in § 77-2704(1)(l)(i) qualify for the governmental exemption from sales and use tax. As there presently is no statutory provision exempting purchases by county agricultural societies from sales and use tax, an amendment would be necessary to provide such an exemption.

Very truly yours,
DON STENBERG
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

cc: Patrick O'Donnell
Clerk of Legislature
7-277-7.9

Opinion No. 92011

DATE: January 24, 1992

SUBJECT: Oversight Responsibilities of the Research and Development Authority under the Research and Development Authority Act, Neb.Rev.Stat. §§ 58-401 et seq.

REQUESTED BY: Senator Rex Haberman, Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
Fredrick F. Neid, Assistant Attorney General

You have inquired about the duty and responsibility of the Research and Development Authority to monitor activities of business development corporations described in Neb.Rev.Stat. § 58-440 (Cum. Supp. 1990). Specifically, you ask whether it is the duty of the Authority under the Act to monitor operations and activities of the North Omaha Business Development Corporation. You have indicated that general funds in the amount of two million dollars appropriated to the Authority have been "transferred" from the Authority to the North Omaha Business Development Authority.

Following review of the Act, it is our opinion that the Authority is required to monitor activities and operations of business development corporations for compliance with Neb.Rev.Stat. § 58-437 (Reissue 1988).

At the outset, it is important to point out that the Authority is a body politic and corporate, not a state agency, but an independent instrumentality governed by a board of nine members to carry out its purposes. The purposes of the Authority are stated in Neb.Rev.Stat. § 58-403 (Cum. Supp. 1990) and include formation of and participation in business development corporations. Consequently, the Authority is not a state agency, board or other regulatory body of the state. The primary role and function of the Authority is generally participatory in nature to foster and promote business development and employment growth.

While the Authority's role is participatory and to provide research and other assistance, the Authority is responsible for oversight of activities and operations of business development corporations to complete its statutory duties. Neb.Rev.Stat. § 58-437 (Reissue 1988) requires that the Authority create a comprehensive review program which includes "{e}stablishment of an ongoing monitoring program of the activities, grants, programs and services of the authority . . ."; and that the Authority submit an annual report to the Governor and the Clerk of the Legislature.

You have not indicated the method of transfer of funds from the authority to the Business Development Corporation. The nature of the transfer of funds amounts could impose additional duties or responsibilities on the Authority. For example, if the funds were disbursed under a loan arrangement, the Authority would necessarily supervise the loan to ascertain that loan terms are complied with. On the other hand, if the funds were transferred to the Corporation under a grant or for funding of a particular program with no requirement or expectation that the funds be repaid, the Authority would have little or no direct supervisory responsibility.

Accordingly, we conclude that the Authority has certain oversight responsibilities provided by statute which primarily consist of monitoring the programs and activities of the Corporation. Additional responsibilities may be imposed or required based on the relationship between the

Authority and the Corporation pursuant to agreement and funding mechanisms utilized.

Sincerely yours,
DON STENBERG
Attorney General
(Signed) Fredrick F. Neid
Assistant Attorney General

cc: Patrick J. O'Donnell
Clerk of the Legislature
21-261-6.91

REPORT

Received quarterly report on the Natural Gas Revolving Loan Fund from the Nebraska Energy Office as required by Section 010 of the Municipal Gas Regulation Act (Sec. 19-4617, R.R.S. 1943).

UNANIMOUS CONSENT - Print in Journal

Mr. Wickersham asked unanimous consent to print the following amendment to LB 28 in the Journal. No objections. So ordered.

AM2564

1. On page 2, line 9, after the comma insert "who is an employee as defined in section 48-115,"; and in line 14 strike "or appoints" and insert ", appoints, or otherwise designates" and after "person" insert "an employee as defined in section 48-115".

SELECT FILE

LEGISLATIVE BILL 398. E & R amendment, AM5182, found in the Journal on page 255, was adopted.

Mr. Schellpeper offered the following amendment:
AM2561

1. Insert the following new section:

"Sec. 6. That section 2-220.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-220.01. All carnival companies, booking agencies, or shows that ~~shall, after February 21, 1949,~~

enter into any contract with the State Board of Agriculture, any county agricultural society, or county fair board~~, shall~~ may be required, within thirty days after the execution of ~~such~~ the contract, to either deposit in cash or certified check payable to the State of Nebraska in the sum of fifteen hundred dollars~~;~~ or ~~to~~ execute and file with the secretary of the State Board of Agriculture a good and sufficient bond with a corporate surety in the sum of fifteen hundred dollars running to the State of Nebraska conditioned that ~~any such~~ the carnival company, booking agency, or show will faithfully perform any contract entered into by it in the State of Nebraska during a period of one year from the date of execution of ~~such~~ the contract and shall, at the time of the filing of the cash, certified check, or bond~~;~~ file with the secretary a sworn statement giving the names and addresses of the owners of ~~said~~ the carnival company, booking agency, or show. Further cash, certified check, or bond shall not be required on signing any subsequent contract during the year such bond is in force. Upon entering into any contract with county fairs, the ~~said~~ carnival company, booking agency, or show calling for a performance in any specific county in the State of Nebraska shall, within thirty days after signing of such contract, file with the county clerk of such county a duplicate receipt or certificate showing that the cash, certified check, or bond provided for in this section has been filed with the secretary.".

2. In the E & R amendment, AM5182, on page 1, line 4, after the first comma insert "2-220.01,".

3. Renumber the remaining sections accordingly.

The Schellpeper amendment was adopted with 25 ayes, 0 nays, 5 present and not voting, and 19 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 523. E & R amendment, AM5183, found in the Journal on page 257, was adopted.

Mr. Kristensen renewed his pending amendment, AM2430, found in the Journal on page 384.

The Kristensen amendment was adopted with 25 ayes, 0 nays, 7 present and not voting, and 17 excused and not voting.

Mr. Beutler offered the following amendment:
AM2529

(Amendments to AM2343)

1. On page 8, line 9, after "Institutions" insert ", is not, in the opinion of the department's professional staff, likely to commit further sexual offenses and is not for that reason or any other reason a danger to society,"; and in line 19 after "Institutions" insert ", is not a danger to society,".

2. On page 14, line 6, after the comma insert ", is a danger to society,"; and in line 16 after "Institutions" insert ", is not a danger to society,".

Messrs. Peterson and Wickersham asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Beutler requested a record vote on his amendment.

Voting in the affirmative, 7:

Abboud
Bernard-Stevens
Beutler
Crosby
Landis
Pirsch
Robak

Voting in the negative, 13:

Beyer
Chizek
Dierks
Hillman
Kristensen
Lindsay
Moore
Robinson
Rogers
Schellpeper
Schimek
Warner
Wehrbein

Present and not voting, 19:

Baack
Bohlke
Byars
Chambers
Conway
Coordsen
Cudaback
Elmer
Haberman
Hartnett
Hefner
Johnson, L.
Johnson, R.
Labedz
Lamb
Nelson
Rasmussen
Schrock
Will

Excused and not voting, 10:

Ashford
Hall
Horgan
Lynch
Morrissey

Peterson Schmit Wesely Wickersham Withem

The Beutler amendment lost with 7 ayes, 13 nays, 19 present and not voting, and 10 excused and not voting.

Mr. Beutler offered the following amendment:
AM2533

(Amendments to AM2343)

1. On page 7, line 15, after "Institutions" insert "unless treatment was ordered by the sentencing court, in which case court approval shall be required prior to returning the offender to the Department of Correctional Services".

The Beutler amendment lost with 6 ayes, 10 nays, 23 present and not voting, and 10 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE RESOLUTION 9CA. E & R amendment is as follows:
AM5190

1. On page 1, line 5, strike "FIRST" and insert "SECOND".

The E & R amendment, AM5190, was adopted.

Mr. Schellpeper withdrew his pending amendment, AM2404, found in the Journal on page 329.

Mr. Schellpeper offered the following amendment:
AM2601

1. On page 1, line 15, strike "or" and insert a comma; in line 16 after "deny" insert ", suspend, cancel, or revoke"; and in line 17 strike "A".

2. On page 2, strike beginning with "liquor" in line 1 through the first period in line 3; in line 12 strike "or deny" and insert ", deny, suspend, cancel, or revoke"; and strike beginning with "and" in line 15 through "therein" in line 17.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Will moved the previous question. The question is, "Shall the debate now close?" The motion lost with 23 ayes, 0 nays, and 26 not voting.

The Schellpeper amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Pending.

NOTICE OF COMMITTEE HEARINGS

Government, Military and Veterans Affairs

Governor Appointments	Friday, February 7, 1992	1:30 p.m.
Nancy Thompson - Director, Nebraska Department of Aeronautics		
Carole Woods Harris - State Personnel Board		
LB 1193	Thursday, February 13, 1992	1:30 p.m.
LB 1208	Wednesday, February 19, 1992	1:30 p.m.
LB 1242	Wednesday, February 19, 1992	1:30 p.m.
LB 1250	Wednesday, February 19, 1992	1:30 p.m.

(Signed) Gerald Conway, Chairperson

Revenue

LB 1240	Wednesday, February 5, 1992	1:30 p.m.
LB 996	Wednesday, February 5, 1992	1:30 p.m.
LB 1119	Wednesday, February 5, 1992	1:30 p.m.
LB 1269	Wednesday, February 5, 1992	1:30 p.m.

(Signed) Timothy J. Hall, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Kristensen asked unanimous consent to print the following amendment to LB 336 in the Journal. No objections. So ordered.

AM2471

(Amendments to E & R Amendments, AM5212)

1. On page 17, line 1, strike "a" and insert "an initial".

STANDING COMMITTEE REPORTS

Urban Affairs

LEGISLATIVE BILL 1115. Placed on General File.

LEGISLATIVE BILL 26. Indefinitely postponed.
LEGISLATIVE BILL 546. Indefinitely postponed.
LEGISLATIVE BILL 547. Indefinitely postponed.
LEGISLATIVE BILL 548. Indefinitely postponed.
LEGISLATIVE BILL 589. Indefinitely postponed.
LEGISLATIVE BILL 765. Indefinitely postponed.
LEGISLATIVE BILL 767. Indefinitely postponed.

(Signed) D. Paul Hartnett, Chairperson

SELECT FILE

LEGISLATIVE RESOLUTION 9CA. Mrs. Robak moved to indefinitely postpone.

Mr. Schmit moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mrs. Robak moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mrs. Robak requested a roll call vote on her motion to indefinitely postpone.

Voting in the affirmative, 7:

Baack
Chambers
Hall
Hartnett
Robak
Schmit
Will

Voting in the negative, 31:

Abboud
Beutler
Beyer
Bohlke
Byars
Coordsen
Crosby
Cudaback
Dierks
Elmer
Hefner
Hillman
Johnson, L.
Johnson, R.
Kristensen
Lamb
Landis
Lindsay
Moore
Nelson
Peterson
Pirsch
Rasmussen
Robinson
Rogers
Schellpeper
Schimek
Schrock
Warner
Wehrbein
Wickersham

Present and not voting, 4:

Bernard-Stevens Chizek Conway Labedz

Excused and not voting, 7:

Ashford Horgan Morrissey Wesely Withem
Haberman Lynch

The Robak motion to indefinitely postpone lost with 7 ayes, 31 nays, 4 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Mr. Hall requested a machine vote on the advancement of the resolution.

Advanced to E & R for engrossment with 28 ayes, 8 nays, 6 present and not voting, and 7 excused and not voting.

STANDING COMMITTEE REPORT
Government, Military and Veterans Affairs

LEGISLATIVE BILL 556. Placed on General File as amended.
(Standing Committee amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM2560.)

(Signed) Gerald Conway, Chairperson

SELECT FILE

LEGISLATIVE BILL 682. E & R amendment, AM5201, printed separately from the Journal and referred to on page 405, was adopted.

Mrs. Nelson offered the following amendment:
AM2578

(Amendments to E & R amendments, AM5201)

1. Insert the following new sections:

"Sec. 2. That section 24-703, Revised Statutes Supplement, 1991, be amended to read as follows:

24-703. (1) Each original member shall

contribute monthly four percent of his or her monthly compensation to the fund until the maximum benefit as limited in subsection (1) of section 24-710 has been earned. It shall be the duty of the Director of Administrative Services in accordance with subsection (10) of this section to make a deduction of four percent on the monthly payroll of each original member who is a judge of the Supreme Court, a judge of the Court of Appeals, a judge of the district court, a judge of a separate juvenile court, a judge of the county court, a clerk magistrate of the county court who was an associate county judge and a member of the fund at the time of his or her appointment as a clerk magistrate, or a judge of the Nebraska Workers' Compensation Court showing the amount to be deducted and its credit to the fund. The Director of Administrative Services and the State Treasurer shall credit the four percent as shown on the payroll and the amounts received from the various counties to the fund and remit the same to the director in charge of the judges retirement system who shall keep an accurate record of the contributions of each judge.

(2) Each future member shall contribute monthly six percent of his or her monthly compensation to the fund until the maximum benefit as limited in subsection (2) of section 24-710 has been earned. Any time the maximum benefit is changed, a future member who has previously earned the maximum benefit as it existed prior to the change shall contribute monthly six percent of his or her monthly compensation to the fund until the maximum benefit as changed and as limited in subsection (2) of section 24-710 has been earned. It shall be the duty of the Director of Administrative Services to make a deduction of six percent on the monthly payroll of each such future member who is a judge of the Supreme Court, a judge of the Court of Appeals, a judge of the district court, a judge of a separate juvenile court, a judge of the county court, a clerk magistrate of the county court who was an associate county judge and a member of the fund at the time of his or her appointment as a clerk magistrate, or a judge of the Nebraska Workers' Compensation Court showing the amount to be deducted and its credit to the fund. This shall be done each month. The Director of Administrative Services and

the State Treasurer shall credit the six percent as shown on the payroll and the amounts received from the various counties to the fund and remit the same to the director in charge of the judges retirement system who shall keep an accurate record of the contributions of each judge.

(3) A Nebraska Retirement Fund for Judges fee of one dollar shall be taxed as costs in each civil cause of action, criminal cause of action, traffic misdemeanor or infraction, and city or village ordinance violation filed in the district courts and the county courts. In county courts a sum shall be charged which is equal to ten percent of each fee provided by sections 33-125, 33-126.02, 33-126.03, and 33-126.06. No judges retirement fee shall be charged for filing a report pursuant to sections 33-126.02 and 33-126.06. When collected by the clerk of the district or county court, such fees shall be paid to the director in charge of the judges retirement system on forms prescribed by the board by the clerk within ten days after the close of each calendar quarter. Such director shall promptly thereafter remit the same to the state treasury. Upon the receipt thereof, the State Treasurer shall credit the same to the fund.

(4) All expenditures from the fund shall be authorized by voucher in the manner prescribed in section 24-713. The fund shall be used for the payment of all annuities and other benefits and for the expenses of administration.

(5) The fund shall consist of the total fund as of December 25, 1969, the contributions of members as provided in this section, all supplementary court fees as provided in subsection (3) of this section, and any required contributions of the state.

(6) Not later than January 1 of each year, the State Treasurer shall transfer to the fund the amount certified by the board as being necessary to pay the cost of any benefits accrued during the fiscal year ending the previous June 30 in excess of member contributions for that fiscal year and court fees as provided in subsection (3) of this section, if any, for that fiscal year plus any required contributions of the state as provided in subsection (9) of this section.

(7) Benefits under the retirement system to members or to their beneficiaries shall be paid from the fund.

(8) Any member who is making contributions to the fund on December 25, 1969, may, on or before June 30, 1970, elect to become a future member by delivering written notice of such election to the board.

(9) Not later than January 1 of each year, the State Treasurer shall transfer to the fund an amount, determined on the basis of an actuarial valuation as of the previous June 30 and certified by the board, to fully fund the unfunded accrued liabilities of the retirement system as of June 30, 1988, by level payments up to January 1, 2000. Such valuation shall be on the basis of actuarial assumptions recommended by the actuary, approved by the board, and kept on file with the board. Any change in the unfunded accrued liabilities due to benefit or assumption changes shall be fully funded over the average expected future service of the active members of the retirement system or by the first day of the twenty-sixth calendar year after the date of the actuarial valuation which first recognized these changes, whichever occurs first. The change in the unfunded accrued liabilities shall be funded by level annual payments which shall be made over the lesser of twenty-five years or the average expected future service of the active members of the retirement system. If the unfunded accrued liability for the retirement system, determined under the entry age actuarial cost method, is zero or less than zero on any actuarial valuation date, then all prior unfunded accrued liability amounts shall be considered fully funded. Effective July 1, 1988, actuarial gains and losses shall be amortized over the expected future service of the active members as part of the annual normal cost.

(10) The state or county shall pick up the member contributions required by this section for all compensation paid on or after January 1, 1985, and the contributions so picked up shall be treated as employer contributions in determining federal tax treatment under the Internal Revenue Code, except that the state or county shall continue to withhold federal income taxes

based upon these contributions until the Internal Revenue Service or the federal courts rule that, pursuant to section 414(h) of the Internal Revenue Code, these contributions shall not be included as gross income of the member until such time as they are distributed or made available. The state or county shall pay these member contributions from the same source of funds which is used in paying earnings to the member. The state or county shall pick up these contributions by a compensation deduction either through a reduction in the compensation of the member or a combination of a reduction in compensation and offset against a future compensation increase. Member contributions picked up shall be treated for all purposes of sections 24-701 to 24-714 in the same manner and to the extent as member contributions made prior to the date picked up.

Sec. 4. Any future member who has served as a judge for twenty years or more and who has contributed and earned the maximum benefit pursuant to subsection (2) of section 24-710 prior to the effective date of this act may purchase up to two years of service credit in order to qualify for the maximum benefit in effect after the effective date of this act. The amount to be paid shall not exceed the amount the member would have paid into the system based on the salary and two years of service immediately following the year in which the member reached the maximum benefit in effect prior to the effective date of this act, plus the interest on that amount which would have accrued under the retirement system provided by sections 24-701 to 24-714. Any payment made pursuant to this section by a member to qualify for the maximum benefit in effect after the effective date of this act shall be received by the retirement system office by December 31, 1992. Any such payment shall be made in a single lump sum.

This section shall not apply to any member who retires prior to the effective date of this act.

Sec. 5. The Revisor of Statutes shall assign section 4 of this act within sections 24-701 to 24-714, and any reference to sections 24-701 to 24-714 shall include section 4 of this act.".

2. On page 11, line 15, after "24-701" insert

", 24-703,".

3. Renumber the remaining sections accordingly.

The Nelson amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 671. E & R amendment, AM5202, found in the Journal on page 423, was adopted.

Mr. Landis offered the following amendment:
(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM2554.)

Mr. Schmit asked unanimous consent to be excused. No objections. So ordered.

The Landis amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 319. Placed on Select File as amended.
E & R amendment to LB 319:
AM5232

1. Because of the amendment of section 39-2215, by Laws 1991, LB 627, section 4:

a. Strike original section 1 and insert the following new section:

"Section 1. That section 39-2215, Revised Statutes Supplement, 1991, be amended to read as follows:

39-2215. (1) There is hereby created in the state treasury a special fund to be known as the Highway Trust Fund.

(2) All funds credited to the Highway Trust Fund pursuant to sections 66-4,140, 66-4,147, and 66-605.02 shall be allocated as provided in such

sections. The State Treasurer shall make the transfer to the General Fund required by section 66-499.

(3) All other motor fuel taxes and special fuel taxes related to highway use retained by the state, all motor vehicle registration fees retained by the state other than those fees credited to the State Recreation Road Fund pursuant to section 60-302, and other highway-user taxes imposed by state law and allocated to the Highway Trust Fund, except for the proceeds of the sales and use taxes derived from motor vehicles, trailers, and semitrailers credited to the fund pursuant to section 77-27,132, are hereby irrevocably pledged for the terms of the bonds issued prior to January 1, 1988, to the payment of the principal, interest, and redemption premium, if any, of such bonds as they mature and become due at maturity or prior redemption and for any reserves therefor and shall, as received by the State Treasurer, be deposited in the fund for such purpose.

(4) Of the money in the fund specified in subsection (3) of this section which is not required for the use specified in such subsection, (a) an amount equal to ~~one dollar and fifty cents~~ three dollars times the number of motorcycles registered during the previous month shall be placed in the Motorcycle Safety Education Fund, (b) an amount to be determined annually by the Legislature through the appropriations process may be transferred to the Motor Fuel Tax Enforcement and Collection Cash Fund for use as provided in section 66-738 on a monthly or other less frequent basis as determined by the appropriation language, (c) an amount to be determined annually by the Legislature through the appropriations process shall be transferred to the License Plate Cash Fund as needed to meet the current obligations associated with the manufacture of license plates and stickers or tabs provided for in sections 60-311, 60-311.02, and 60-1804, as certified by the Director of Motor Vehicles, and (d) the remaining money may be used for the purchase for retirement of the bonds issued prior to January 1, 1988, in the open market.

(5) The State Treasurer shall monthly transfer, from the proceeds of the sales and use taxes credited to the Highway Trust Fund and any money

remaining in the fund after the requirements of subsections (2) through (4) of this section are satisfied, (a) thirty thousand dollars to the Grade Crossing Protection Fund and (b) the amount calculated pursuant to section 13-1210 for financing the operating costs of public transportation systems to the Highway Cash Fund.

(6) Except as provided in subsection (7) of this section, the balance of the Highway Trust Fund shall be allocated fifty-three and one-third percent, less the amount provided for in section 39-847.01, to the Department of Roads, twenty-three and one-third percent, less the amount provided for in section 39-847.01, to the various counties for road purposes, and twenty-three and one-third percent to the various municipalities for street purposes. If bonds are issued pursuant to subsection (2) of section 39-2223, the portion allocated to the Department of Roads shall be credited monthly to the Highway Restoration and Improvement Bond Fund, and if no bonds are issued pursuant to such subsection, the portion allocated to the department shall be credited monthly to the Highway Cash Fund. The portions allocated to the counties and municipalities shall be credited monthly to the Highway Allocation Fund and distributed monthly as provided by law. Vehicles accorded prorated registration pursuant to section 60-305.09 shall not be included in any formula involving motor vehicle registrations used to determine the allocation and distribution of state funds for highway purposes to political subdivisions.

(7) If it is determined by December 20 of any year that a county will receive from its allocation of state-collected highway revenue and from any funds relinquished to it by municipalities within its boundaries an amount in such year which is less than such county received in state-collected highway revenue in calendar year 1969, based upon the 1976 tax rates for highway-user fuels and registration fees, the Department of Roads shall notify the State Treasurer that an amount equal to the sum necessary to provide such county with funds equal to such county's 1969 highway allocation for such year shall be transferred to such county from the Highway Trust Fund. Such makeup funds shall be matched

by the county as provided in sections 39-2501 to 39-2510. The balance remaining in the fund after such transfer shall then be reallocated as provided in subsection (6) of this section.

(8) The State Treasurer shall disburse the money in the Highway Trust Fund as directed by resolution of the commission. All disbursements from the fund shall be made upon warrants drawn by the Director of Administrative Services. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 and the earnings, if any, credited to the fund.".

b. On page 1, line 3; and page 7, lines 21 and 22, strike "and sections 39-2215 and" and insert "section"; and

c. On page 1, line 4; and page 7, line 22, after "1990" insert ", and section 39-2215, Revised Statutes Supplement, 1991".

2. On page 1, line 8, strike "section" and insert "sections".

3. On page 7, line 19, strike "1991" and insert "1992".

LEGISLATIVE BILL 641. Placed on Select File as amended.
E & R amendment to LB 641:
AM5234

1. Because of the amendment of section 76-1003 by Laws 1991, LB 235, section 58:

a. In the Standing Committee amendments, AM0561, strike section 4 and insert the following new section:

"Sec. 4. That section 76-1003, Revised Statutes Supplement, 1991, be amended to read as follows:

76-1003. (1) The trustee of a trust deed shall be:

(a) A member of the Nebraska State Bar Association or a licensed real estate broker of Nebraska;

(b) Any bank, building and loan association, ~~or~~ savings and loan association, or credit union authorized to do business in Nebraska under the laws of

Nebraska or the United States;

(c) Any corporation authorized to conduct a trust business in Nebraska under the laws of Nebraska or the United States; or

(d) Any title insurer authorized to do business in Nebraska under the laws of Nebraska.

(2) The trustee of a trust deed shall not be the beneficiary ~~therein~~ named in the trust deed unless the beneficiary is qualified to be a trustee under subdivision (1)(b) or (c) of this section."; and

b. Strike original section 3 and all amendments thereto and insert the following new section:

"Sec. 5. That original sections 21-1790 and 21-17,118, Reissue Revised Statutes of Nebraska, 1943, and section 76-1003, Revised Statutes Supplement, 1991, are repealed.".

2. On page 1, strike beginning with "section" in line 1 through line 4 and insert "sections 21-1790 and 21-17,118, Reissue Revised Statutes of Nebraska, 1943, and section 76-1003, Revised Statutes Supplement, 1991; to create the Credit Union Act Fund; to eliminate a provision on security for loans; to allow credit unions to be trustees of trust deeds; to harmonize provisions; and to repeal the original sections.".

LEGISLATIVE BILL 226. Placed on Select File as amended.
E & R amendment to LB 226:
AM5235

1. Strike original sections 7 and 10 and renumber the remaining sections accordingly.

2. On page 2, line 13, strike "12" and insert "10"; and in line 18 strike "buyer" and insert "purchaser".

3. On page 7, line 2, strike the second "OR" and insert "OF".

4. On page 9, line 2, strike "14" and insert "13"; and in line 9 strike "13" and insert "12".

5. On page 10, line 9, strike "15" and insert "13".

6. On page 11, line 1, strike "23" and insert "21"; in line 3 strike "24" and insert "22"; in line 10 after "registration" insert "statement"; and in line 25 strike "physical".

7. On page 12, line 1, strike "exercise club"; in line 7 strike "physical exercise club"; and in line 22 strike "that" and insert "who".

8. On page 13, line 14, strike "physical"; and in line 15 strike "exercise club".

LEGISLATIVE BILL 226A. Placed on Select File as amended.
E & R amendment to LB 226A:
AM5233

1. On page 1, line 4; and page 2, line 6, strike "First Session, 1991" and insert "Second Session, 1992".

2. On page 2, lines 2 and 9, strike "FY1991-92" and insert "FY1992-93"; and in lines 3 and 10 strike "FY1992-93" and insert "FY1993-94".

(Signed) Eric Will, Chairperson

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 984. Placed on General File.
LEGISLATIVE BILL 985. Placed on General File.

(Signed) David Landis, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Lindsay asked unanimous consent to print the following amendment to LB 671 in the Journal. No objections. So ordered.

AM2583

1. On page 3, line 17; page 7, line 25; and page 9, line 17, strike "determined by the" and insert "diagnosed and verified in writing to be in a terminal condition by his or her".

2. On page 3, line 18; page 8, line 1; and page 9, line 18, strike beginning with "to" through "condition" and insert "who has personally examined the patient".

3. On page 8, line 1; and page 9, line 18, after "and" insert "determined to be".

4. On page 8, line 18, strike "determining"

and insert "diagnosing and verifying in writing"; and in line 19 after "who" insert "has personally examined the patient and who".

Mr. Lindsay asked unanimous consent to print the following amendment to LB 671 in the Journal. No objections. So ordered.

AM2582

1. On page 9, line 5, after the period insert "Nutrition and hydration shall not be withdrawn or withheld from a qualified patient if the withdrawal or withholding would result in death solely from starvation or dehydration rather than from an existing terminal condition.".

Mr. Lindsay asked unanimous consent to print the following amendment to LB 671 in the Journal. No objections. So ordered.

AM2600

1. On page 14, strike beginning with "The" in line 24 through "euthanasia" in line 25 and insert "The act shall not confer any new rights regarding the provision or rejection of any specific medical treatment, and shall not alter any existing laws concerning homicide, suicide, or assisted suicide. Nothing in the act shall be construed to condone, authorize, or approve homicide, suicide, or assisted suicide".

Mr. Lindsay asked unanimous consent to print the following amendment to LB 671 in the Journal. No objections. So ordered.

AM2594

1. Strike original section 10 and insert the following new section:

"Sec. 10. (1) Nothing in the Rights of the Terminally Ill Act shall obligate a health care provider to follow any declaration or direction with respect to life-sustaining treatment or care of a person if such declaration or direction would be contrary to the conscience of a health care provider who is an individual or would be contrary to the stated ethical or moral principles or policies of an institutional health care provider.

(2) An attending physician who or health care provider which is unwilling to follow a declaration or direction for reasons prescribed in subsection (1) of this section shall so advise the declarant's representative, guardian, or family of such unwillingness and shall take all reasonable steps to transfer care of the declarant to another physician or health care provider, which transfer shall be at the expense of the person or entity responsible for the cost of the declarant's care.

(3) If such transfer is not possible, the provision of life-sustaining treatment to a declarant shall not be subject any health care provider to criminal or civil liability or discipline for unprofessional conduct for failure to carry out the declaration or direction.".

2. On page 3, line 3, after "profession" insert "or one who is in the employ of such a person".

3. On page 12, strike beginning with "A" in line 13 through "(2)" in line 17; and in line 21 strike "(3)" and insert "(2)".

4. On page 13, line 2, strike "(4)" and insert "(3)"; in line 7 strike "(5)" and insert "(4)"; in line 11 strike "(6)" and insert "(5)"; and in line 14 strike "(7)" and insert "(6)".

Mr. Lindsay asked unanimous consent to print the following amendment to LB 671 in the Journal. No objections. So ordered.

AM2505

1. On page 7, strike lines 24 and 25 and insert "when (1) the attending physician has read the declaration, (2) the declarant is determined by the attending physician and one other consulting physician to be in a terminal condition and no longer able to make decisions regarding the administration of life-sustaining treatment, and (3) the attending physician has notified the declarant's family or guardian, if any, of his or her diagnosis and of the intent to invoke the patient's declaration.".

2. On page 8, strike lines 1 through 8.

Mr. Lindsay asked unanimous consent to print the following amendment to LB 671 in the Journal. No objections. So ordered.

AM2574

1. Strike original section 9.
2. On page 2, line 1, strike "17" and insert "16".
3. On page 8, line 8, strike "10" and insert "9".
4. On page 11, strike beginning with "or" in line 19 through "act" in line 20.
5. On page 12, strike beginning with "A" in line 1 through "(4)" in line 6; strike beginning with "or" in line 7 through "act" in line 8; in line 9 strike "or consent is given"; and in line 15 strike "10" and insert "9".
6. Renumber the remaining sections accordingly.

Mr. Baack asked unanimous consent to print the following amendment to LB 573 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM2573.)

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 1201, 1241, 1258, and 1284.

LB	**Committee**
1201	Banking, Commerce and Insurance
1241	Appropriations
1258	Natural Resources
1284	Education

(Signed) Jerome Warner, Chairperson
Legislative Council
Executive Board

VISITORS

Visitors to the Chamber were 30 seniors from Oakland-Craig; 75 members of League of Women Voters of Nebraska; eight students and sponsors from North Platte; and 12 members of Lincoln/Lancaster Drug Projects.

ADJOURNMENT

At 11:54 a.m., on a motion by Speaker Baack, the Legislature adjourned until 9:00 a.m., Thursday, January 30, 1992.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTEENTH DAY - JANUARY 30, 1992

LEGISLATIVE JOURNAL

NINETY-SECOND LEGISLATURE
SECOND SESSION

SIXTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 30, 1992

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Moul presiding.

PRAYER

The prayer was offered by Pastor Jim Keyser, South Gate Methodist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Ashford, Byars, Haberman, Hall, Horgan, L. Johnson, R. Johnson, Kristensen, Lamb, Moore, Schmit, Schrock, Mmes. Pirsch, and Rasmussen who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifteenth day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 858, 859, 860, and 861.

(Signed) Eric Will, Chairperson

Enrollment and Review Change to LB 858

The following changes, required to be reported for publication in the Journal, have been made:
ER7126

1. To aid correlation with section 5, LB 816:

a. On page 7, line 18, "his" has been struck, shown as stricken, and "the" inserted; in lines 19, 23, and 24 the new matter has been struck; in line 23 "his" has been struck, shown as stricken, and "the judge's" inserted; and in line 24 "shall give his" has been struck, shown as stricken, and "gives" inserted; and

b. On page 8, line 4, "he" has been struck and shown as stricken and "or she" has been struck and "the offender" inserted; in line 8 the first comma has been struck and shown as stricken; and in line 10 "his or her" has been struck and the old matter shown as stricken.

(Signed) Mary E. Sommermeyer
E & R Attorney

STANDING COMMITTEE REPORTS
Business and Labor

LEGISLATIVE BILL 877. Placed on General File.
LEGISLATIVE BILL 878. Placed on General File.
LEGISLATIVE BILL 879. Placed on General File.

(Signed) George Coordsen, Chairperson

ANNOUNCEMENTS

Mr. Baack designates LB 556 as his priority bill.

Mr. Byars designates LB 428 as his priority bill.

Speaker Baack designates LB 308 as a priority bill.

SELECT FILE

LEGISLATIVE BILL 245. E & R amendment, AM5178, found in the Journal on page 256, was adopted.

Mr. Wickersham offered the following amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM2410.)

The Wickersham amendment was adopted with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

Messrs. Withem and Bernard-Stevens renewed their pending amendment, AM2546, found in the Journal on page 536.

Mr. Chizek asked unanimous consent to be excused until he returns. No objections. So ordered.

The Withem-Bernard-Stevens amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Mr. Withem offered the following amendment:
AM2380

1. In the Withem amendment, AM2363:

a. On page 4, line 21, strike "July 1" and insert "December 15"; and

b. Insert the following new section:

"Sec. 6. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

The Withem amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 245A. E & R amendment, AM5179, found in the Journal on page 256, was adopted.

Mr. Withem offered the following amendment:
AM2550

1. Strike original section 1 and all amendments thereto and insert the following new section:

"Section 1. There is hereby appropriated $150,000 from the General Fund for FY1992-93 to the Legislative Council, for Program 126, to aid in carrying out the provisions of Legislative Bill 245, Ninety-second Legislature, Second Session, 1992.

There is hereby appropriated all cash fund revenue received during FY1992-93 pursuant to the provisions of Legislative Bill 245, Ninety-second

Legislature, Second Session, 1992, plus interest from the Nebraska Schools Accountability Commission Cash Fund for FY1992-93 to the Legislative Council, for Program 126, to aid in carrying out the provisions of Legislative Bill 245, Ninety-second Legislature, Second Session, 1992.

There is hereby appropriated all cash fund revenue received during FY1993-94 pursuant to the provisions of Legislative Bill 245, Ninety-second Legislature, Second Session, 1992, plus interest from the Nebraska Schools Accountability Commission Cash Fund for FY1993-94 to the Legislative Council, for Program 126, to aid in carrying out the provisions of Legislative Bill 245, Ninety-second Legislature, Second Session, 1992.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.".

The Withem amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 862, 863, 864, 865, 866, 867, and 868.

(Signed) Eric Will, Chairperson

NOTICE OF COMMITTEE HEARING
Government, Military and Veterans Affairs

LB 1216	Thursday, February 20, 1992	1:30 p.m.

(Signed) Gerald Conway, Chairperson

SELECT FILE

LEGISLATIVE BILL 671. Mr. Lindsay renewed his pending amendment, AM2600, found in the Journal on page 563.

The Lindsay amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mr. Lindsay renewed his pending amendment, AM2505, found in the Journal on page 564.

Mr. Lindsay offered the following amendment to his pending amendment:
FA244

Amend AM2505

On line 8 strike "the declarant's" and insert "a member of the declarant's immediate"

Mr. Moore asked unanimous consent to be excused until he returns. No objections. So ordered.

The Lindsay amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

The Lindsay amendment, as amended, lost with 0 ayes, 19 nays, 27 present and not voting, and 3 excused and not voting.

Mr. Lindsay asked unanimous consent to replace his pending amendment, AM2583, found in the Journal on page 562, with a substitute amendment. No objections. So ordered.

Mr. Lindsay withdrew his pending amendment, AM2583, found in the Journal on page 562.

Mr. Lindsay offered the following substitute amendment:
AM2644

(Amendments to AM2554)

1. On page 1, line 8, strike beginning with "and" through the second "right" and insert "and a constitutionally protected liberty interest"; and in line 9 after the period insert "The exercise of such right and liberty interest is subject to certain state interests in preserving life, preventing homicide and

suicide, protecting dependent third parties, and maintaining the integrity of the medical profession.".

2. On page 6, strike beginning with "Upon" in line 20 through line 24 and insert "When the attending physician has knowledge of a declaration and, after personal examination, has determined that a declarant is in a terminal condition or in a persistent vegetative state, the attending physician shall record the diagnosis, determination, and the terms of the declaration, in writing, in the declarant's medical record.".

The Lindsay amendment was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Mr. Lindsay renewed his pending amendment, AM2594, found in the Journal on page 563.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Lindsay moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Mr. Lindsay requested a roll call vote on his amendment.

Voting in the affirmative, 21:

Abboud
Beyer
Byars
Chizek
Conway
Coordsen
Crosby
Dierks
Hall
Hartnett
Horgan
Kristensen
Labedz
Lamb
Lindsay
Lynch
Peterson
Rogers
Schellpeper
Schrock
Withem

Voting in the negative, 20:

Ashford
Baack
Bernard-Stevens
Beutler
Bohlke
Cudaback
Elmer
Haberman
Hillman
Landis
Morrissey
Nelson
Rasmussen
Robinson
Schimek
Warner
Wehrbein
Wesely
Wickersham
Will

Present and not voting, 4:

Chambers
Hefner
Johnson, L.
Robak

Excused and not voting, 4:

Johnson, R.
Moore
Pirsch
Schmit

The Lindsay amendment lost with 21 ayes, 20 nays, 4 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Lindsay renewed his pending amendment, AM2574, found in the journal on page 565.

Mr. Lindsay moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Lindsay requested a roll call vote on his amendment.

Voting in the affirmative, 25:

Abboud
Ashford
Beyer
Byars
Chizek
Conway
Coordsen
Crosby
Dierks
Hall
Hartnett
Hefner
Horgan
Johnson, L.
Johnson, R.
Labedz
Lamb
Lindsay
Lynch
Moore
Morrissey
Peterson
Rogers
Schellpeper
Schmit

Voting in the negative, 17:

Baack
Bernard-Stevens
Beutler
Bohlke
Cudaback
Elmer
Haberman
Hillman
Kristensen
Landis
Nelson
Rasmussen
Warner
Wehrbein
Wesely
Wickersham
Withem

Present and not voting, 6:

Chambers
Robak
Robinson
Schimek
Schrock
Will

Excused and not voting, 1:

Pirsch

The Lindsay amendment was adopted with 25 ayes, 17 nays, 6 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Messrs. Landis and Lindsay offered the following amendment:
AM2598

1. On page 14, line 8, after the period insert "No insurance company or health care provider shall charge a higher or lower rate for signers of declarations under the act as opposed to nonsigners.".

The Landis-Lindsay amendment was adopted with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

Mr. Lindsay offered the following amendment:
FA245

Amend AM2554 as follows:

1. On page 6, line 6, strike the period and insert ", and (4) the attending physician has notified a member of the declarant's immediate family or guardian, if any, of his or her diagnosis and of the intent to invoke the patient's declaration."

Mr. Lindsay withdrew his pending amendment.

Mr. Lindsay offered the following amendment:
FA246

Amend AM2554 as follows:

1. On page 6, line 6, strike the period and insert ", and (4) the attending physician has notified a reasonably available member of the declarant's immediate family or guardian, if any, of his or her diagnosis and of the intent to invoke the patient's declaration."

The Lindsay amendment was adopted with 33 ayes, 0 nays, 15 present and not voting, and 1 excused and not voting.

Mr. Lindsay withdrew his pending amendment, AM2582, found in the Journal on page 563.

Mr. Landis requested a machine vote on the advancement of the bill.

Advanced to E & R for engrossment with 34 ayes, 5 nays, 9 present and not voting, and 1 excused and not voting.

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 441. Placed on General File as amended.
Standing Committee amendment to LB 441:
AM2542

1. Strike the original sections and insert the following new sections:

"Section 1. Sections 1 to 10 of this act shall be known and may be cited as the Health Care Fraudulent Claims Act.

Sec. 2. For purposes of the Health Care Fraudulent Claims Act, the definitions found in sections 3 to 6 of this act shall be used.

Sec. 3. Claim shall mean any written demand, document, or application made for the purpose of obtaining a health care payment. A written demand or a written document shall include any paper or other instrument, including computer billing tapes or other electronic means, which contains written or printed matter or information used for purposes of reciting, conveying, or recording information or data for a claim.

Sec. 4. Health care payer shall mean an insurance company as defined in section 44-103 authorized to transact the business of health insurance in this state, a health maintenance organization as defined in section 44-32,105, a prepaid limited health service organization as defined in section 44-4702, a legal entity which is self-insured and provides health care benefits to its employees, medicaid, medicare, or a person responsible for administering the payment of health care services for another person.

Sec. 5. Health care payment shall mean a payment for health care services or the right, under a contract, certificate, or policy of insurance, to have a payment made for a specified health care service.

Sec. 6. Person shall mean any individual, corporation, partnership, association, other legal entity, or agent or employee thereof who is licensed to provide health care in the State of Nebraska.

Sec. 7. (1) No person shall make, present, or assist or conspire with another person to make or present, any claim, record, document, or other instrument in support of a claim knowing such claim to be false with the intention of obtaining for himself or herself or for any other person a health care payment.

(2) This section shall not apply to statements made on an application for coverage under a contract, certificate, or policy of health care coverage issued by a health care payer.

(3) A person who violates this section shall be guilty of theft pursuant to section 28-518. Amounts taken from a health care payer pursuant to one scheme or course of conduct shall be aggregated in the indictment or information in determining the classification of the offense under such section.

Sec. 8. The Health Care Fraudulent Claims Act shall not be construed to prohibit or limit a prosecution of or civil action against a person for the violation of any other law of this state.

Sec. 9. On the filing of charges or upon the conviction of an offense under section 7 of this act of any provider of health care services, supplies, or goods, the prosecuting attorney shall provide written notification to the Department of Health or the appropriate agency of the state in which such health care provider is regulated.

Sec. 10. Any health care payer or employee of a health care payer who has reason to suspect that a violation of section 7 of this act has occurred may discuss or inquire of other health care payers about other suspected violations. Any health care payer or employee thereof, participating in such discussions or making such inquiries shall be immune from criminal penalty or from civil liability for slander, libel, defamation, or breach of the physician-patient privilege if the discussions or inquiries are made without malice.

Sec. 11. That section 29-110, Revised Statutes Supplement, 1990, be amended to read as follows:

29-110. (1) Except as provided in subsection (2) or (4) of this section, no person or persons shall be prosecuted for any felony, ~~excepting only~~ except treason, murder, arson, and forgery, unless the indictment for the same shall be found by a grand jury within three years next after the offense shall have been done or committed or unless a complaint for the same shall be filed before the magistrate within three years next after the offense shall have been done or committed and a warrant for the arrest of the defendant shall have been issued nor shall any person be prosecuted, tried, or punished for any misdemeanor or other indictable offense below the grade of felony or for any fine or forfeiture under any penal statute unless the indictment, information, or action for the same shall be found or instituted within one year and six months from the time of committing the offense or incurring the fine or forfeiture or within one year for any offense the punishment of which is restricted by a fine not exceeding one hundred dollars and to imprisonment not exceeding three months. This section shall not extend to any person fleeing from justice. When any suit, information, or indictment for any crime or misdemeanor is limited by any statute to be brought or exhibited within any other time than is limited by this section, then the same shall be brought or exhibited within the time limited by such statute. If any indictment, information, or suit is quashed or the proceedings in the same set aside or reversed on writ of error, the time during the pendency of such indictment, information, or suit so quashed, set aside, or reversed shall not be reckoned within this statute so as to bar any new indictment, information, or suit for the same offense.

(2) No person or persons shall be prosecuted for sexual assault in the first degree, second degree, or third degree pursuant to section 28-319 or 28-320, sexual assault of a child pursuant to section 28-320.01, kidnapping pursuant to section 28-313, false imprisonment pursuant to section 28-314 or 28-315, child abuse pursuant to section 28-707, pandering pursuant to section 28-802, debauching a minor pursuant to section 28-805, or an offense pursuant to section 28-813, 28-813.01, or 28-1463.03 when the victim is under sixteen years of age at the time of the offense (a) unless the indictment for the same shall be found by a

grand jury within seven years next after the offense has been committed or within seven years next after the victim's sixteenth birthday, whichever is later, or (b) unless a complaint for the same shall be filed before the magistrate within seven years next after the offense has been committed or within seven years next after the victim's sixteenth birthday, whichever is later, and a warrant for the arrest of the defendant shall have been issued. The limitations prescribed in this subsection shall include all inchoate offenses pursuant to the Nebraska Criminal Code and compounding a felony pursuant to section 28-301.

(3) The changes made to this section by Laws 1990, LB 1246, shall apply to offenses which occurred prior to April 15, 1990, or which occur on or after such date.

(4) No person or persons shall be prosecuted for a violation of section 7 of this act unless the indictment for such violation is found by a grand jury within three years next after the violation was done or committed or unless a complaint or such violation is filed before the magistrate within three years next after the offense was done or committed and a warrant for the arrest of the defendant has been issued.

Sec. 12. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.

Sec. 13. That original section 29-110, Revised Statutes Supplement, 1990, is repealed.".

(Signed) Jerry Chizek, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 910. Placed on General File.
LEGISLATIVE BILL 946. Placed on General File.

LEGISLATIVE BILL 146. Indefinitely postponed.
LEGISLATIVE BILL 920. Indefinitely postponed.
LEGISLATIVE BILL 953. Indefinitely postponed.
LEGISLATIVE BILL 1029. Indefinitely postponed.

(Signed) Gerald Conway, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Lynch asked unanimous consent to print the following amendment to LB 823 in the Journal. No objections. So ordered.

AM2473

(Amendments to E & R Amendments, AM5211)

1. On page 1, line 18; page 3, line 2, 20, and 22; and page 4, lines 6, 8, 11, 15, and 16, before "home" insert "adoptive".

2. On page 1, line 21; and page 4, line 23, strike "a" and insert "an adoptive".

3. On page 3, line 2, strike the second comma and insert "which indicates that the placement of the child for the purpose of adoption would be appropriate and which is"; in line 4 strike the comma; in line 6 strike "A" and insert "An adoptive"; in line 8 after "that" insert "for petitions filed on or after January 1, 1993,"; in line 9 strike "conduct a law enforcement" and insert "obtain a criminal history record information"; and in line 10 after "and" insert "to conduct".

4. On page 4, line 24, strike "law enforcement" and insert "criminal history record information".

Mr. Dierks asked unanimous consent to print the following amendment to LB 111 in the Journal. No objections. So ordered.

AM2566

1. Insert the following new section:

"Sec. 2. That section 28-611, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-611. (1) Whoever obtains property, services, or ~~present~~ exchange value of any kind by issuing or passing a check or similar signed order for the payment of money, knowing that he or she has no account with the drawee at the time the check or order is issued, or, if he or she has ~~such~~ an account, knowing that he or she does not have sufficient funds in~~,~~ or credit with~~,~~ the drawee for the payment of ~~such~~ the check or order in full upon ~~its~~ presentation, commits the offense of issuing a bad check. Issuing a bad check is:

(a) A Class III felony if the amount of the check or order is one thousand dollars or more;

(b) A Class IV felony if the amount of the check or order is three hundred dollars or more, but less than one thousand dollars;

(c) A Class I misdemeanor if the amount of the check or order is seventy-five dollars or more, but less than three hundred dollars; and

(d) A Class II misdemeanor if the amount of the check or order is less than seventy-five dollars.

The aggregate amount of any series of checks or orders written or passed within a one-hundred-eighty-day period in one jurisdiction may be used in determining the classification of the offense pursuant to this subsection.

(2) For any second or subsequent offense under subdivision (1)(c) or (1)(d) of this section, any person so offending shall be guilty of a Class IV felony.

(3) Whoever otherwise issues or passes a check or similar signed order for the payment of money, knowing that he or she has no account with the drawee at the time the check or order is issued shall be guilty of a Class IV felony, or, if he or she has ~~such~~ an account, knowing that he or she does not have sufficient funds in~~,~~ or credit with~~,~~ the drawee for the payment of ~~such~~ the check or order in full upon its presentation, ~~commits~~ shall be guilty of a Class II misdemeanor.

(4) Any person who issues or passes a check or similar signed order for the payment of money on his or her account, thirty or more days after receipt of notice from the drawee mailed to such person at his or her last-known address stating that the account has been closed, shall be guilty of a Class IV felony.

~~(4)~~ (5) Any person in violation of this section who makes voluntary restitution to the injured party for the value of the check, draft, order, or assignment of funds shall also pay any costs of filing with the county attorney.

(6) ~~(5)~~ In any prosecution when the person issuing the check or order has an account with the drawee, he or she shall be presumed to have known that he or she did not have sufficient funds in~~,~~ or credit with~~,~~ the drawee for the payment of ~~such~~ the check or order in full upon ~~its~~ presentation~~,~~ if, within thirty days after issuance of the check or order, he or she has been notified that the drawee refused payment for lack of funds and he or she ~~has~~ failed within ten days after such notice to make the check or order good. In the absence of notice from the drawee, a person shall be presumed to have known that he or she did not have sufficient funds in or credit with the drawee for the payment of the check or order in full upon presentation if he or she failed to make the check or order good within ten days after notice from the county attorney or his or her deputy that the check or order was returned to the depositor. The county attorney or his or her deputy shall be required to mail notice to the person issuing the check or order upon request of the depositor and payment of ten dollars for each check, draft, order, or assignment of funds. The ten-dollar payment shall be payable to the county treasurer and credited to the county general fund. Notice shall be sent by United States mail addressed to such person at his or her last-known address. ~~or, in the absence of such notice, he or she has failed to make the check good within ten days after notice that such check or order has been returned to the depositor was sent to him or her by the county attorney or his or her deputy, by United States mail addressed to such person at his or her last known address. Upon request of the depositor and the payment of ten dollars for each check, draft, order, or assignment of funds, the county attorney or his or her deputy shall be required to mail notice to the person issuing the check or order as provided in this subsection. The ten-dollar payment shall be payable to the county treasurer and credited to the county general fund.~~

~~(6)~~ (7) Any person convicted of violating this section may, in addition to ~~being fined or imprisoned~~ fine or imprisonment, be ordered to make restitution to the party injured for the value of the check, draft, order, or assignment of funds to pay and any costs of filing with the county attorney and any handling fee charged by the drawee. If the court, ~~shall~~ in addition to sentencing any person to imprisonment under this section, also ~~enter~~ enters an order of restitution, the time permitted to make such restitution shall not be concurrent with the sentence of imprisonment.

(8) ~~(7)~~ The fact that restitution to the party injured has been made and that any costs of filing with the county attorney and any handling fee charged by the drawee have been paid shall be a mitigating factor in the imposition of punishment for any violation of this section.".

2. On page 3, line 4, strike "section 28-518" and insert "sections 28-518 and 28-611"; and in line 5 strike "is" and insert "are".

3. Renumber the remaining section accordingly.

Mr. Wesely asked unanimous consent to print the following amendment to LB 677 in the Journal. No objections. So ordered.

AM2614

(Amendments to AM2332)

1. Strike section 34.

2. On page 3, line 7, strike "designated".

3. On page 9, line 2, strike "licensed"; in lines 6 and 9 strike "approved"; and in line 18 after "client" insert "of a long-term care facility".

4. On page 14, line 1, strike "approved by the office".

5. On page 30, strike beginning with "and" in line 6 through the second comma in line 7.

6. Renumber the remaining section accordingly.

Mr. Lindsay asked unanimous consent to print the following amendment to LB 696 in the Journal. No objections. So ordered.

AM2623

1. In the Lindsay-Wesely amendment, AM2418:

a. On page 2, strike beginning with "a" in line 12 through "older" in line 13 and insert "an adult";

b. On page 4, line 19, strike "person" and insert "adult";

c. On page 14, line 11, strike "found" and insert "located";

d. On page 15, line 10, before the comma insert "or elsewhere";

e. On page 17, line 13, after "(b)" insert "if the principal's wishes are not reasonably known and cannot with reasonable diligence be ascertained,"; in line 15 strike the second comma and insert a period; and strike lines 16 and 17;

f. On page 18, line 19, strike "section" and insert "sections 13 and";

g. On page 19, line 10, after "provider" insert "who shall promptly inform the attending physician of the revocation";

h. On page 20, strike lines 7 and 8; in line 9 strike "(c)" and insert "(b)"; and in line 12 strike "(d)" and insert "(c)";

i. On page 25, line 17, after "moral" insert "or ethical"; and in line 23 strike "transfer" and insert "assist in the transfer of";

j. On page 26, lines 12 and 14, strike "durable"; and

k. On page 27, strike beginning with "without" in line 12 through "forge" in line 13 and insert "to willfully sign or alter without authority or to otherwise alter, forge, conceal, or destroy".

NOTICE OF COMMITTEE HEARINGS
Revenue

LB 938	Thursday, February 6, 1992	1:30 p.m.
LB 994	Thursday, February 6, 1992	1:30 p.m.
LB 1135	Thursday, February 6, 1992	1:30 p.m.
LB 1223	Thursday, February 6, 1992	1:30 p.m.
LB 1170	Thursday, February 6, 1992	1:30 p.m.
LB 972	Friday, February 7, 1992	1:30 p.m.
LB 1032	Friday, February 7, 1992	1:30 p.m.
LB 1254	Friday, February 7, 1992	1:30 p.m.
LB 1141	Friday, February 7, 1992	1:30 p.m.

LB 913	Friday, February 7, 1992	1:30 p.m.
LB 1157	Friday, February 7, 1992	1:30 p.m.
LB 1158	Friday, February 7, 1992	1:30 p.m.

LB 1100	Wednesday, February 12, 1992	1:30 p.m.
LB 1149	Wednesday, February 12, 1992	1:30 p.m.
LB 1224	Wednesday, February 12, 1992	1:30 p.m.
LB 1123	Wednesday, February 12, 1992	1:30 p.m.

(Signed) Tim Hall, Chairperson

Transportation

LB 1069	Monday, February 10, 1992	1:30 p.m.
LB 1279	Monday, February 10, 1992	1:30 p.m.
LB 1182	Monday, February 10, 1992	1:30 p.m.
LB 1070	Monday, February 10, 1992	1:30 p.m.
LB 1066	Monday, February 10, 1992	1:30 p.m.

LB 1172	Tuesday, February 11, 1992	1:30 p.m.
LB 1214	Tuesday, February 11, 1992	1:30 p.m.
LB 1092	Tuesday, February 11, 1992	1:30 p.m.
LB 1155	Tuesday, February 11, 1992	1:30 p.m.
LB 1152	Tuesday, February 11, 1992	1:30 p.m.

LB 1231	Tuesday, February 18, 1992	1:30 p.m.
LB 1031	Tuesday, February 18, 1992	1:30 p.m.
LB 1068	Tuesday, February 18, 1992	1:30 p.m.
LB 942	Tuesday, February 18, 1992	1:30 p.m.
LB 1181	Tuesday, February 18, 1992	1:30 p.m.

(Signed) Doug Kristensen, Chairperson

VISITORS

Visitors to the Chamber were 100 fourth grade students and teacher from Lakeview Elementary, Lincoln; eight members of American Association of University Women; Michelle Engle from Norfolk; Floyd Schippert from Harlan County; former Senator Gary Hannibal; Glenn Pollack; Marge Kirchenbaum and Karen Krall-Murphy; and Pat Hartman from Grand Island.

The Doctor of the Day was David Johnson from Lincoln.

ADJOURNMENT

At 12:01 p.m., on a motion by Speaker Baack, the Legislature adjourned until 9:00 a.m., Friday, January 31, 1992.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTEENTH DAY - JANUARY 31, 1992

LEGISLATIVE JOURNAL

SEVENTEENTH DAY - JANUARY 31, 1992

LEGISLATIVE JOURNAL

NINETY-SECOND LEGISLATURE
SECOND SESSION

SEVENTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 31, 1992

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Moul presiding.

PRAYER

The prayer was offered by Pastor Dave Argue, Christ's Place Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Ashford, Beutler, Chambers, Chizek, Hall, Hartnett, R. Johnson, Kristensen, Moore, Morrissey, Robinson, Will, and Mrs. Rasmussen who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixteenth day was approved.

UNANIMOUS CONSENT - Members Excused

Mr. L. Johnson and Mrs. Labedz asked unanimous consent to be excused until they return. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 27, 119, 269, 312, 452, 543, 718, 718A, 816, 869, 870, and 871.

(Signed) Eric Will, Chairperson

Enrollment and Review Change to LB 27

The following changes, required to be reported for publication in the Journal, have been made:
ER7129
1. In the Bernard-Stevens amendment, AM2537, on page 1, lines 7 and 8 have been struck and "line 17 after '(1)' insert 'or (2)'." inserted.

Enrollment and Review Change to LB 718

The following changes, required to be reported for publication in the Journal, have been made:
ER7127
1. In lieu of the Schmit amendment, FA239, in the Schmit amendment, AM2468:
a. The matter beginning with "On" on page 4, line 22, through the period on page 5, line 5, has been struck; and
b. On page 5, line 7, "e" has been struck and "d" inserted.
2. In the Schmit amendment, AM2468:
a. On page 1, line 4, "3" has been struck and "4" inserted;
b. On page 3, line 11; and page 4, line 4, "sections 13 and 17" has been struck and "section 20" inserted;
c. On page 3, line 14, "any" has been struck and shown as stricken; and in line 17 "6" has been struck and "7" inserted;
d. On page 4, line 4, the comma has been struck and shown as stricken; in line 6 "fee" has been struck, shown as stricken, and "fees" inserted; in line 12 "17" has been struck and "20" inserted; in line 20 "7" has been struck and "8" inserted; and in line 21 "18" has been struck and "20" inserted; and
e. On page 5, line 6, "7" has been struck and "8" inserted.
3. In the Schmit amendment, AM2402:
a. On page 1, line 9; and page 3, lines 1 and 2, "6 to 16" has been struck and "8 to 20" inserted; and
b. Amendment 9 has been struck and the remaining amendment renumbered accordingly.
4. In the Schellpeper amendment, AM2412, on page 1, line 4, "8" has been struck and "11" inserted; in line 10 "and" has been inserted after the

semicolon; and the matter beginning with "On" in line 11 through the period in line 14 has been struck.

5. In the E & R amendments, AM5186:

a. On page 1, line 5, "2-1203," has been inserted after "sections";

b. Amendment 1.g. has been struck; and

c. On page 2, line 3, "2-1203," has been inserted after "sections", "2-1208," has been inserted after the second comma, "and" has been struck, and "and 2-1222," has been inserted after the last comma.

Enrollment and Review Change to LB 718A

The following changes, required to be reported for publication in the Journal, have been made:

ER7128

1. In the Schmit amendment, AM2545, on page 1, line 3, "hereby" has been inserted after "is".

Enrollment and Review Change to LB 869

The following changes, required to be reported for publication in the Journal, have been made:

ER7131

1. On page 2, line 24; and page 3, line 4, an underscored comma has been inserted after "clear".
2. On page 3, lines 18 and 22, an underscored comma has been inserted after "election".
3. On page 4, line 21, an underscored comma has been inserted after "so".
4. On page 5, line 21, an underscored comma has been inserted before "Secretary".
5. On page 6, lines 11 and 19, the comma has been struck and shown as stricken; and in line 24 "street" has been inserted after "and".

(Signed) Mary E. Sommermeyer
E & R Attorney

ANNOUNCEMENTS

Mr. Bernard-Stevens designates LB 447 as his priority bill.

Speaker Baack designates LB 307 and LB 746 as priority bills.

NOTICE OF COMMITTEE HEARINGS

Education

LB 1284	Monday, February 10, 1992	1:30 p.m.
Governor Appointments	Tuesday, February 11, 1992	1:00 p.m.
Coordinating Commission for Postsecondary Education Janice Carlson Barbara Marcy John Emery		
LB 1153	Tuesday, February 4, 1992 (Cancelled)	
LB 1153	Tuesday, February 18, 1992 (Reset)	1:30 p.m.

(Signed) Ron Withem, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 237. Introduced by Bohlke, 33.

WHEREAS, Phyllis H. Lainson has been Mayor of the City of Hastings since December 1988; and

WHEREAS, Mayor Lainson has served the Hastings community in a number of governmental elective offices and governmental appointive positions as well as in civic activities and organizations; and

WHEREAS, Mayor Lainson has provided outstanding service in all endeavors; and

WHEREAS, Mayor Lainson submitted her resignation from office on January 27, 1992.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature wishes to honor Mayor Phyllis Lainson for her outstanding leadership and dedicated service to the City of Hastings and extends its best wishes for her future.
2. That the Clerk of the Legislature send a copy of this resolution to Mayor Phyllis Lainson.

Laid over.

UNANIMOUS CONSENT - Member Excused

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

WITHDRAW - Amendment to LB 1013

Mr. Schmit withdrew his pending amendment, AM2534, found in the Journal on page 509, to LB 1013.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 1013. With Emergency.

A BILL FOR AN ACT relating to fuel tax; to amend sections 3-148, 3-149, and 66-1221, Reissue Revised Statutes of Nebraska, 1943, and sections 66-483, 66-492, 66-4,114, 66-4,120, 66-4,124, 66-605.04, 66-605.05, 66-605.06, 66-605.07, 66-619, 66-620, 66-646.01, 66-720, 66-726, 66-730, and 66-732, Revised Statutes Supplement, 1991; to change provisions relating to aircraft fuel fees; to provide for and change provisions relating to enforcement; to change and provide for fees; to provide for administrative penalties; to provide for tax liability and exemptions for qualified motor vehicles; to change provisions relating to special fuel tax, exemptions, and returns, special fuel importers, permit or license reissuance, and refund allowances; to eliminate provisions relating to a tax refund for fuel used to operate refrigeration equipment; to harmonize provisions; to provide operative dates; to repeal the original sections, and also section 66-646.02, Revised Statutes Supplement, 1991; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 37:

Abboud
Baack
Bernard-Stevens
Beyer
Bohlke
Byars
Conway
Coordsen
Crosby
Cudaback
Dierks
Elmer
Haberman
Hefner
Hillman
Horgan
Kristensen
Lamb
Landis
Lindsay
Lynch
Nelson
Peterson
Pirsch
Robak
Robinson
Rogers
Schellpeper
Schimek
Schmit
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 0.

Excused and not voting, 12:

Ashford
Beutler
Chambers
Chizek
Hall
Hartnett
Johnson, L.
Johnson, R.
Labedz
Moore
Morrissey
Rasmussen

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

ANNOUNCEMENT

Mr. Ashford designates LB 946 as his priority bill.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 447. Placed on General File as amended.
Standing Committee amendment to LB 447:
AM2639

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. (1) Although the Department of Correctional Services and the Division of Juvenile Services have made great efforts and attempts to adequately serve troubled juveniles in Nebraska, it has long been recognized that juvenile corrections carries a mission, philosophy, and mandate substantially different than adult corrections. For the mission, philosophy, and mandate of juvenile corrections to be successfully implemented, the Legislature finds that the establishment of a separate office with its own administrative identity and authority to provide juvenile services is necessary.

(2) It is the intent of the Legislature that, upon approval of the implementation plan prescribed in section 4 of this act, the Office of Youth Services shall be created as a separate and autonomous office of the executive branch of government, the function of which shall be to provide services and programs for

juveniles at risk. The purpose of the office shall be to facilitate optimum service delivery, to prevent delinquency, and to reduce the incidence of recidivism among juveniles through the provision of prevention, rehabilitation, and treatment services.

Sec. 2. The Office of Youth Services shall be responsible for the following continuum of services:

(1) Intake and assessment;

(2) Case management staff, including probation;

(3) Secure facilities and detention programs, including home detention and other alternatives to detention;

(4) Educational, vocational, and social counseling programs;

(5) Community-based services for troubled juveniles and their families;

(6) The Youth Development Center-Kearney and the Youth Development Center-Geneva and any other secure public juvenile facilities as may become necessary in the future;

(7) Juvenile parole staff and aftercare services, including follow-up services; and

(8) Other programs, services, consultants, or staff necessary to fulfill the mandate of the office.

Sec. 3. The Office of Youth Services shall be administered by the Director of Youth Services. The director shall be appointed by the Governor with the approval of a majority of the Legislature. The director, at a minimum, shall have administrative experience in juvenile rehabilitative and treatment programs and educational qualifications and training which enable him or her to manage the office in a manner consistent with the intent and purpose of the office.

Sec. 4. (1) The Director of Youth Services, in conjunction with the Nebraska Commission on Law Enforcement and Criminal Justice, shall begin immediately to plan for the implementation of the office.

(2) The director shall temporarily be housed with the commission but shall assume leadership responsibility and authority within the commission for the implementation plan. The director shall provide the

implementation plan to the Legislature and the Governor by April 1, 1993.

(3) The implementation plan shall include, at a minimum, a cost analysis for the establishment of the Office of Youth Services, a time frame for operational responsibilities, and a complete listing of all services and the geographic proximity of such services, including the services listed in section 2 of this act, programs, facilities, and personnel that will be required for the office to commence operation.

(4) It is the intent of the Legislature that, upon approval of the implementation plan by the Legislature, the office shall begin operation pursuant to the implementation plan. The required programs and services shall be phased in over a three-year period.

(5) It is the intent of the Legislature that any money appropriated by the Legislature for the implementation plan shall be appropriated to the commission.".

LEGISLATIVE BILL 898. Placed on General File as amended.
Standing Committee amendment to LB 898:
AM2569

1. On page 2, strike beginning with "The" in line 11 through the period in line 16, show as stricken, and insert "The Legislature at large shall elect two of its members from legislative districts Nos. 1, 2, 15, 16, 21, 23 to 30, 32, 34, 35, and 46, two from legislative districts Nos. 3 to 14, 20, 31, 39, and 45, and two from legislative districts Nos. 17 to 19, 22, 33, 36 to 38, 40 to 44, and 47 to 49.".

LEGISLATIVE BILL 989. Placed on General File as amended.
Standing Committee amendment to LB 989:
AM2638

1. On page 3, line 3, after the comma insert "and if such person intends to take depositions,".

LEGISLATIVE BILL 1133. Placed on General File as amended.
Standing Committee amendment to LB 1133:
AM2640

1. Insert the following new sections:

"Sec. 10. That section 23-1203, Reissue

Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-1203. (1) The county attorney shall without fee or reward give opinions and advice to the board of county commissioners and other civil officers of their respective counties, when requested so to do by such board or officers, upon all matters in which the state or county is interested~~;~~ or relating to the duty of the board or officers in which the state or county may have an interest. In ~~; PROVIDED, in~~ all counties of this state, the county board may employ such additional counsel in civil matters as it may deem necessary. The county ~~Such~~ attorney or additional attorneys shall counsel the board or county officers on such civil matters as the board may lay before the attorneys, ~~him or them, and~~ shall prosecute or defend, on behalf of the county or any of its officers, such civil actions or proceedings as the interests of the county may in their judgment require, and shall receive such reasonable compensation in each case as the board and such ~~counsel~~ attorneys may agree upon.

(2) As to any disputed points of election law, the opinion of the State Election Commissioner shall be binding on the election commissioner or county clerk until changed by the State Election Board, the courts, or the Legislature.

Sec. 12. That original section 23-1203, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

2. Insert underscoring to original sections 1 to 9.

3. Renumber the remaining section accordingly.

(Signed) Gerald Conway, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 1006. Placed on General File as amended.
Standing Committee amendment to LB 1006:
AM2565

1. Insert the following new sections:

"Sec. 15. That section 44-416.04, Revised

Statutes Supplement, 1991, be amended to read as follows:

44-416.04. The Director of Insurance may adopt and promulgate rules and regulations necessary to carry out sections 44-416 to 44-417 which may include rules and regulations which would prohibit reinsurance transactions by which one insurer assumes risks and obligations from another insurer and then cedes back to the ceding insurer substantially the same risks and obligations, with the intent to willfully and knowingly misrepresent either insurer's financial position.

Sec. 38. That section 44-4830, Revised Statutes Supplement, 1991, be amended to read as follows:

44-4830. (1) Mutual debts or mutual credits whether arising out of one or more contracts between the insurer and another person in connection with any action or proceeding under the Nebraska Insurers Supervision, Rehabilitation, and Liquidation Act shall be set off and the balance only shall be allowed or paid except as provided in ~~subsections~~ subsection (2) ~~through (4)~~ of this section and in section 44-4833.

(2) No setoff shall be allowed in favor of any person when:

(a) The obligation of the insurer to the person would not at the date of the filing of a petition for rehabilitation or liquidation entitle the person to share as a claimant in the assets of the insurer;

(b) The obligation of the insurer to the person was purchased by or transferred to the person with a view to its being used as a setoff;

(c) The obligation of the insurer is owed to an affiliate of such person or any other entity or association other than the person;

(d) The obligation of the person is owed to an affiliate of the insurer or any other entity or association other than the insurer;

(e) The obligation of the person is to pay an assessment levied against the members or subscribers of the insurer, is to pay a balance upon a subscription to the capital stock of the insurer, or is in any other way in the nature of a capital contribution; or

(f) The obligations between the person and the insurer arise out of transactions by which either the person or the insurer has assumed risks and obligations from the other party and then has ceded back to that party substantially the same risks and obligations. Notwithstanding the provisions of this subdivision, the rehabilitator or liquidator may permit setoffs if in his or her discretion a setoff is appropriate because of specific circumstances relating to a transaction.

(3) The rehabilitator or liquidator shall provide persons with accounting statements identifying debts which are due and payable. When a person owes to the insurer amounts which are due and payable, against which the person asserts setoff of mutual credits which may become due and payable from the insurer in the future, the person shall promptly pay to the rehabilitator or liquidator the amounts due and payable, except that, notwithstanding section 44-4842, the rehabilitator or liquidator shall promptly and fully refund, to the extent of the person's prior payments, any mutual credits that become due and payable to the person by the insurer. ~~The obligation between the person and the insurer arises from business which is both ceded to and assumed from the insurer, except that the rehabilitator may, with regard to such business, allow certain setoffs in rehabilitation if he or she finds the allowance of the setoffs appropriate.~~

~~(3) The liquidator shall provide persons that assumed business from the insurer with accounting statements identifying debts which are currently due and payable. Such persons may set off against such debts only mutual credits which are currently due and payable by the insurer to such persons for the period covered by the accounting statement.~~

~~(4) A person that ceded business to the insurer may set off debts due the insurer against only those mutual credits which the person has paid or which have been allowed in the insurer's delinquency proceeding.~~

~~(5) Notwithstanding the provisions of subsections (2) through (4) of this section, a setoff of sums due on obligations in the nature of those set forth in subdivision (2)(f) of this section shall be allowed for those sums accruing from business written if the~~

~~contracts were entered into, renewed, or extended with the express written approval of the director, commissioner, or equivalent official of the state of domicile of the now insolvent insurer, when in his or her judgment it was necessary to provide reinsurance in order to prevent or mitigate a threatened impairment or insolvency of a domiciliary insurer in connection with the exercise of his or her regulatory responsibilities.~~

~~(6)~~ (4) The provisions of subsections (2) ~~through (5)~~ and (3) of this section shall apply to all contracts entered into, renewed, extended, or amended on or after July 1, 1992, and to debts or credits arising from any business written after such date pursuant to any contract, including contracts in existence prior to such date. ~~, and shall supersede any agreements or contractual provisions which might be construed to enlarge the setoff rights of any person under any contract with the insurer.~~ For purposes of this subsection, any change in the terms of or consideration for any such contract shall be deemed an amendment of the contract.".

2. On page 11, line 5, after "(4)" insert "No surplus lines licensee shall place any insurance with or procure any insurance from any nonadmitted Lloyd's plan or other similar unincorporated group of individual insurers unless such group maintains a trust fund of not less than fifty million dollars as security to the full amount thereof for all policyholders and creditors in the United States of each member of the group and such trust complies with the terms and conditions established in subsection (3) of this section for nonadmitted alien insurers.

(5)"; in line 7 strike "(5)" and insert "(6)"; and after line 15 insert the following new subdivision:

"(c) No nonadmitted Lloyd's plan or other similar unincorporated group of individual insurers shall transact business under the act if it does not comply with the requirements of subsection (4) of this section.".

3. On page 28, line 1, reinstate the stricken matter.

4. On page 30, line 24, strike "33 to 35" and insert "34 to 36".

5. On page 44, line 1, strike "37 to 49" and insert "39 to 51".

6. On page 51, line 22, strike "41" and insert "43".

7. On page 54, line 1, strike "39" and insert "41".

8. On page 56, line 21; and page 59, line 16, strike "45" and insert "47".

9. On page 61, line 25, strike "39" and insert "41".

10. On page 64, line 20, strike "50 to 57" and insert "52 to 59".

11. On page 74, line 23, strike "53" and insert "55".

12. On page 75, line 1, strike "54" and insert "56"; in line 6 strike "26 to 35 and 62" and insert "27 to 36 and 64"; in lines 8 and 9 strike "37 to 57" and insert "39 to 59"; in line 22 strike "section" and insert "sections 44-416.04,"; and in line 23 after the first comma insert "and 44-4830,".

13. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 1012. Placed on General File as amended.
Standing Committee amendment to LB 1012:
AM2592

1. On page 2, line 13, reinstate the stricken matter; and in line 15 strike "twenty", show as stricken, and insert "thirty".

(Signed) David Landis, Chairperson

Nebraska Retirement Systems

The Committee on Nebraska Retirement Systems desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Nebraska Public Employees Retirement Board
Alcurtis Robinson
William J. Lindsay, Jr.

Vote: Aye: Senators Abboud, Elmer, Moore, Nelson, and Schmit. Nay: none. Absent: Senator Crosby.

(Signed) Arlene Nelson, Chairperson

SELECT FILE

LEGISLATIVE BILL 696. E & R amendment, AM5203, found in the Journal on page 423, was adopted.

Mr. Lindsay renewed his pending amendment, AM2623, found in the Journal on page 582.

The Lindsay amendment was adopted with 28 ayes, 0 nays, 9 present and not voting, and 12 excused and not voting.

Mr. Landis offered the following amendment:
FA247

On line 20, page 8 add

"I direct my attorney in fact comply with the following instructions on life sustaining treatment________

"I direct my attorney in fact comply with the following instructions on nutrition and hydration__________".

Mr. Landis withdrew his pending amendment.

Mrs. Pirsch asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Landis offered the following amendment:
FA248

On line 20, page 8 add

"I direct my attorney in fact comply with the following instructions on life sustaining treatment (optional)

"I direct my attorney in fact comply with the following instructions on artificially administered nutrition and hydration (optional)".

The Landis amendment was adopted with 28 ayes, 0 nays, 10 present and not voting, and 11 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 573. E & R amendment, AM5204, found in the Journal on page 425, was adopted.

Mr. Baack renewed his pending amendment, AM2573, printed separately from the Journal and referred to on page 565.

The Baack amendment was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Advanced to E & R for engrossment.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bill: 1013.

SELECT FILE

LEGISLATIVE BILL 21. E & R amendment, AM5206, found in the Journal on page 425, was adopted.

Mr. Coordsen offered the following amendment:
AM2460

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 46-674.19, Revised Statutes Supplement, 1991, be amended to read as follows:

46-674.19. A district may annually levy a tax of not to exceed ~~two cents~~ one-half cent on each one hundred dollars on all of the taxable property within the ~~boundaries of the special ground water quality protection area or the affected area of the management area for which an action plan has been required~~ district. Such levy, which shall be in addition to that authorized by sections 2-3225 and 46-673, shall be utilized only for the costs of carrying out sections 46-674.02 to 46-674.20 within ~~such area~~ the special ground water quality protection area or the affected area of the management area for which an action plan has been required. Certification and collection of such levy shall be administered by the district and by the county or counties involved in the same manner as the levy authorized by section 2-3225.

Sec. 2. That original section 46-674.19, Revised Statutes Supplement, 1991, is repealed.".

The Coordsen amendment was adopted with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

Mr. Beutler offered the following amendment:
AM2676

(Amendments to Standing Committee amendments, AM0074)

1. Insert the following new section:

"Section 1. That section 46-658, Revised Statutes Supplement, 1991, be amended to read as follows:

46-658. (1) An area may be designated a control area by the director following a hearing initiated in accordance with subsection (3) of this section if it is determined, following evaluation of relevant hydrologic and water quality data, history of developments, and projection of effects of current and new development, that development and utilization of the ground water supply has caused or is likely to cause within the reasonably foreseeable future the existence of either of the following conditions:

(a) An inadequate ground water supply to meet present or reasonably foreseeable needs for beneficial use of such water supply; or

(b) Dewatering of an aquifer, resulting in a deterioration of the quality of such ground water sufficient to make such ground water unsuitable for the present purposes for which it is being utilized.

(2) When determining whether to designate a control area because of the existence of any of the conditions listed in subsection (1) of this section, the director's considerations shall include, but not be limited to, whether conflicts between ground water users are occurring or may be reasonably anticipated or whether ground water users are experiencing or will experience within the foreseeable future substantial economic hardships as a direct result of current or anticipated ground water development or utilization.

(3) A hearing to designate a control area may

be initiated by a district whenever it has information sufficient in the opinion of the board to require that any portion of such district should be designated as a control area. The board shall report such information to the director with a request that a hearing be held to determine if a control area should be established. The request shall be accompanied by a general description of the area proposed for inclusion in such control area.

(4)(a) Within thirty days after a hearing has been initiated pursuant to subsection (3) of this section, the director shall consult with the district and fix a time and place for a public hearing to consider the information supplied and to hear any other evidence. The hearing shall be held within one hundred twenty days after it has been initiated, shall be open to the public, and shall be located within or in reasonable proximity to the area proposed for designation as a control area. If, from information submitted by the district or otherwise available to the director, the director has reason to believe that area other than that identified by the district should be considered for inclusion in any control area which would be established as a result of such request, he or she shall so notify the district or districts whose boundaries encompass such additional area. Notice of the hearing shall be published at the expense of the district or districts in such newspapers as are necessary to provide for general circulation within the geographic area at least once each week for three consecutive weeks, the last publication to be not less than seven days prior to the hearing. The notice shall provide a general description of all area which will be considered by the director for inclusion in the control area.

(b) At the hearing, all interested persons shall be allowed to appear and present testimony. The Conservation and Survey Division of the University of Nebraska, the Nebraska Natural Resources Commission, and the Department of Environmental Control shall offer as evidence any information in their possession which they deem relevant to the purposes of the hearing. After the hearing and after any studies or investigations conducted by or on behalf of the director as he or she deems necessary, the director shall determine whether a control area shall be designated. If the director determines that no control area shall be established, he or she shall issue an order declaring that no control area shall be designated.

(c) If the director determines that a control area shall be established, he or she shall consult with such relevant state agencies named in subdivision (b) of this subsection and with the district or districts affected and determine the boundaries of the control area, taking into account the considerations enumerated in subsection (1) of this section, the effect on political subdivisions, and the socioeconomic and administrative factors directly affecting the ability to implement and carry out local ground water management, control, and protection.

(d) If the director determines that contiguous area within the jurisdictional limits of one or more districts other than the district or districts which initiated the hearing is subject to the conditions identified in this section and therefor appropriate for inclusion in such control area, he or she shall so notify such other district or districts prior to issuance of the order designating the control area. ~~Such additional area shall not be included in the control area unless any such other district consents in writing to such inclusion within sixty days of such notification by the director.~~

(e) When the boundaries of a control area have been determined, the director shall issue an order designating the area as a control area. Such an order shall include a geographic and a stratigraphic definition of the control area. Notice of the order shall be provided in the same manner as that provided for the hearing.

(5) Modification in control area boundaries or dissolution of a control area may be accomplished utilizing the procedure established in this section for the initial designation of such areas as control areas, but hearings for designation, modification, or dissolution of such control area may not be initiated more often than once a year.".

2. On page 1, line 20, strike "is" and insert

"and section 46-658, Revised Statutes Supplement, 1991, are".

3. Renumber the remaining sections accordingly.

The Beutler amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 677. E & R amendment, AM5207, found in the Journal on page 425, was adopted.

Mr. Wesely renewed his pending amendment, AM2614, found in the Journal on page 582.

The Wesely amendment was adopted with 25 ayes, 0 nays, 15 present and not voting and 9 excused and not voting.

Advanced to E & R for engrossment.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of January 30, 1992. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Cline, Williams, Wright, Johnson & Oldfather	
Campbell, Mary M. - Lincoln	Nebraska Medical Association
Kimberly, Kelly - Omaha	ASARCO
	Public Relations Society of America
Moody, Randall - Lincoln	The Nature Conservancy
Smith, Larry - Ashland	Saunders County Livestock/Saunders County Pork

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 896. Placed on General File.

LEGISLATIVE BILL 999. Placed on General File.
LEGISLATIVE BILL 1000. Placed on General File.

LEGISLATIVE BILL 373. Indefinitely postponed.

(Signed) Jerry Chizek, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 238. Introduced by Lindsay, 9; Hartnett, 45.

WHEREAS, the Creighton University School of Medicine, which began more than a century ago with a dream by an Omaha philanthropist, John A. Creighton, this year is celebrating its one hundredth anniversary of teaching and healing; and

WHEREAS, this centennial observance is in honor of the teachers and scholars who for the past century have educated five thousand nine hundred ninety-six of the nation's physicians, scientists, and health educators, have brought the school international renown with research into such areas as cancer genetics and osteoporosis prevention, and have simultaneously endowed its graduates with the foundation of service-oriented and ethical values first defined in the Hippocratic Oath; and

WHEREAS, the Creighton University School of Medicine and its primary teaching hospital are providing in excess of three million dollars in free health care services to the indigent annually; and

WHEREAS, the Creighton University School of Medicine has created numerous "Centers of Excellence" for the teaching and provision of state-of-the-art health care; and

WHEREAS, the Creighton University School of Medicine annually educates and trains some six hundred students and resident physicians in value-oriented health care; and

WHEREAS, the Creighton University School of Medicine presently has four thousand fourteen living alumni meeting the health needs of the nation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature hereby salutes and congratulates Creighton University and its alumni on the occasion of the Centennial Celebration of its School of Medicine.

2. That a copy of this resolution be delivered to the Reverend Michael Morrison, President of Creighton University.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 130. Considered.

Mr. Moore offered the following amendment:
FA249

Amend AM2551 as follows:

1. On line 2, after the word or, add the following words: "on the licensed premises of"

2. After the word or, strike the word "in".

The Moore amendment was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Ms. Schimek offered the following amendment:
FA250

Strike the section 1 Moore amendment (AM2551) which inserts "or in any establishment having a license issued under the Nebraska liquor Control Act for the sale of alcoholic liquor consumption on the premises."

Mr. Moore raised a point of order on whether the Schimek motion is a reconsideration of the Moore amendment to the Standing Committee amendment.

The Chair ruled the Schimek motion is not a reconsideration because of the Legislature's intervening action of having adopted the Standing Committee amendment.

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion lost with 13 ayes, 9 nays, and 27 not voting.

Messrs. R. Johnson, Landis, and Hall asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Hefner moved the previous question. The question is, "Shall the debate now close?"

Mr. Moore moved for a call of the house. The motion prevailed with 18 ayes, 3 nays, and 28 not voting.

The motion to cease debate prevailed with 25 ayes, 4 nays, and 20 not voting.

Ms. Schimek requested a roll call vote on her amendment.

Voting in the affirmative, 16:

Beutler
Beyer
Bohlke
Chambers
Crosby
Dierks
Horgan
Lamb
Nelson
Peterson
Rogers
Schimek
Schrock
Wehrbein
Wesely
Withem

Voting in the negative, 25:

Abboud
Baack
Bernard-Stevens
Byars
Conway
Coordsen
Cudaback
Elmer
Haberman
Hartnett
Hefner
Hillman
Johnson, L.
Kristensen
Labedz
Lindsay
Lynch
Moore
Pirsch
Robak
Schellpeper
Schmit
Warner
Wickersham
Will

Absent and not voting, 1:

Robinson

Excused and not voting, 7:

Ashford
Chizek
Hall
Johnson, R.
Landis
Morrissey
Rasmussen

The Schimek amendment lost with 16 ayes, 25 nays, 1 absent and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Mr. Schmit and Mrs. Labedz asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

ANNOUNCEMENTS

The Agriculture Committee designates LB 349 as its priority bill.

Mr. Morrissey designates LB 1257 as his priority bill.

NOTICE OF COMMITTEE HEARING

Appropriations

LB 1241	Friday, February 7, 1992	1:30 p.m.

(Signed) Scott Moore, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on January 31, 1992, at 10:20 a.m., was the following bill: 1013.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

SELECT COMMITTEE REPORT

Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 262.

(Signed) Eric Will, Chairperson

STANDING COMMITTEE REPORTS

Nebraska Retirement Systems

LEGISLATIVE BILL 934. Placed on General File.

(Signed) Arlene Nelson, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 965. Placed on General File.

(Signed) Gerald Conway, Chairperson

Natural Resources

LEGISLATIVE BILL 916. Placed on General File as amended.
Standing Committee amendment to LB 916:
AM2544

1. Insert the following new section:

"Sec. 2. That section 37-910, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-910. The Game and Parks Commission is authorized to make rules and regulations for carrying out, administering, and enforcing ~~the provisions of~~ sections 37-901 to 37-914, except ~~; PROVIDED,~~ that the commission shall limit the number of areas proposed for licensing so that the total acreage licensed for game breeding and controlled shooting areas in any one county shall not exceed one percent of the total acreage of the county in which the areas are sought to be licensed. No license shall be issued for any area ~~whose~~ the boundary of which lies within five miles of the boundary of any other area so licensed under ~~the provisions of~~ sections 37-901 to 37-914. No license shall be issued for any area ~~whereon~~ in which hand-reared mallard ducks are shot or to be shot if the area lies within ~~three miles~~ one mile of any river or within ~~three miles~~ one mile of any lake with an area exceeding three acres, except ~~; PROVIDED,~~ that a license may be issued for such area for the shooting of upland game birds only, and the rearing or shooting of hand-reared mallard ducks ~~thereon~~ in such area shall be ~~and is~~ prohibited.".

2. On page 2, line 11, strike "section 37-907" and insert "sections 37-907 and 37-910"; and in line 12 strike "is" and insert "are".

3. Renumber the remaining section accordingly.

(Signed) Rod Johnson, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 966. Placed on General File as amended.
Standing Committee amendment to LB 966:
AM2637

1. On page 8, strike beginning with the underscored comma in line 23 through "clerk" in line 25.

2. On page 9, strike beginning with "shall" in line 1 through "section" in line 2; and strike beginning with the underscored comma in line 12 through "section" in line 16.

LEGISLATIVE BILL 977. Placed on General File as amended.
Standing Committee amendment to LB 977:
AM2675

1. Insert the following new sections:

"Sec. 4. That section 32-303, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-303. At the general election to be held in the year 1964~~,~~ and each six years thereafter, there shall be elected one public service commissioner from public service commissioner district number one and one public service commissioner from public service commissioner district number three; at the general election in 1964, there shall be elected one public service commissioner from public service commissioner district number five for a term of four years, and in the year 1968~~,~~ and each six years thereafter, there shall be elected one public service commissioner from public service commissioner district number five and one public service commissioner from public service commissioner district number four; and at the general election in the year 1966~~,~~ and each six years thereafter, there shall be elected one public service commissioner from public service commissioner district number two. All candidates shall be residents of the district from which they seek election. All members shall be residents of the district from which they are elected. Removal from the district shall cause a vacancy in the office of public service commissioner for the unexpired term.

Sec. 6. That section 32-428.05, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-428.05. Before counting any votes, the counting board shall examine each paper ballot or punch card. If ~~, and if~~ any paper ballot or punch card ~~is not endorsed upon the back by~~ does not have the initials of two judges of election as provided in sections 32-450 and 32-4,132, the counting board shall reject such ballot and make the following notation on the back of the ballot: Rejected, not properly ~~endorsed~~ initialed. Such ballot shall be placed in the rejected ballot envelope and sealed in the ballots-cast sack.

Sec. 10. That section 32-4,132, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-4,132. The election commissioner, or county clerk, is authorized to use punch card voting systems~~,~~ or electronic tabulating machines, together with such accessories as may be necessary therewith, for tabulating the votes cast at any election. The tabulating may be done at a location or locations within any county as designated by the election commissioner or county clerk. Upon completion of such count, the ballots shall be conveyed under supervision of the county clerk or election commissioner to the office of such official. Punch card voting systems may be used in combination with paper ballots. At any time that paper ballots are used, such paper ballots shall ~~be signed by two judges of election as provided in~~ comply with section 32-450.

Any reference to the folding of ballots in the statutes will not apply to punch card ballots. Before issuing any punch card ballot, such card shall be stamped with a rubber stamp, which stamp shall be so constructed as to name the county and state that such ballot card is an official ballot. Such stamp shall be placed on that portion of the ballot which carries the ballot position numbers and on the stub which is to be reviewed by the judge of the election. The stamp shall be furnished to each election board by the county clerk or election commissioner.

Each write-in ballot jacket shall be ~~signed~~ initialed by two judges of election as provided in section 32-450. The voter after casting his or her punch card ballot shall place the ballot inside the official ballot envelope provided for write-in votes and hand the envelope to the judge in charge of the ballot box, who shall inspect the ~~official signatures~~ initials of the judges before depositing the envelope containing the ballot card in the ballot box. No judge of the election shall deposit any write-in jacket in any ballot box unless the write-in jacket contains the official ballot card identified by the official stamp on the stub, which portion shall be removed before depositing it in the ballot box; and which stamp identifies the remaining portion of the ballot to be the official ballot issued by the election board, and which also carries the official ballot stamp and the write-in jacket is identified by the ~~signatures or~~ initials and identifying number of two judges of election. Any ballot card or write-in jacket not properly identified shall be rejected in the presence of the voter, with the judges of election making the notation on both the ballot card and write-in jacket Rejected, not properly identified, and another ballot shall be issued to the voter who shall then be permitted to cast his or her ballot. If it is determined that the ballot card and write-in jacket are in order, the judge shall then deposit the write-in jackets and ballots in the ballot box in the presence of the voter, who shall then promptly leave the polling place.

The election commissioner, or county clerk, shall select the type size to be used for punch card voting systems. Such type size shall be as large as is practicable within the space limitation of the punch card voting system ballot notwithstanding any references in section 32-419 to the size of type and ballot.

The election commissioner, or county clerk, may, through his or her duly appointed election officials, arrange to have partial returns delivered to the central tabulating location or locations at any time desired after the opening of the polls~~;~~ if at least twenty-five ballots have been cast therein.

The ballot boxes containing the punch cards with official envelopes may be opened prior to the hour established by law for the closing of the polls at the discretion of the appropriate election official, notwithstanding the provisions of section 32-441.

Sec. 13. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 10, line 23, after "If" insert "(1)".

3. On page 11, line 7, after "marked" insert "or (2) the provisions of subsection (2) of section 32-428.10 are applicable"; in line 20 strike the comma and show as stricken; and strike line 21, show the old matter as stricken, and insert "on which the".

4. On page 15, line 8, strike beginning with "name" through "of", show as stricken, and insert "customary signature on"; in lines 8 and 9 strike the new matter; and in line 22 after "32-212," insert "32-303,", after the third comma insert "32-428.05,", and after the final comma insert "32-4,132,".

5. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 908. Placed on General File as amended.
Standing Committee amendment to LB 908:
AM2556

1. Insert the following new section:

"Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

(Signed) Gerald Conway, Chairperson

Natural Resources

The Committee on Natural Resources desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Richard W. Sommer - Environmental Control Council

VOTE: Aye: Senators Beutler, Hartnett, Horgan, R. Johnson, and Morrissey. Nay: None. Not Voting: Senators Elmer and Lamb. Absent: Senator Schmit.

(Signed) Rod Johnson, Chairperson

ANNOUNCEMENT

Speaker Baack designates LB 898 and LB 989 as priority bills.

EXPLANATION OF VOTE

Had I been present, I would have voted aye on Final Reading of LB 1013.

(Signed) Spencer W. Morrissey

MOTION - Adjournment

Mrs. Robak moved to adjourn until Monday, February 3, 1992. The motion lost with 1 aye, 14 nays, 25 present and not voting, and 9 excused and not voting.

UNANIMOUS CONSENT - Member Excused

Mr. Haberman asked unanimous consent to be excused. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 130. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Hall asked unanimous consent to print the following amendments to LB 291 in the Journal. No objections. So ordered.

(1)

FA252

(Amendments to Standing Committee amendments, AM2314)

1. On page 3, line 6, strike "or subsequent" and show as stricken; in line 8 strike "six months", show as stricken, and insert "one year"; and after line 14 insert:

"Fourth or subsequent
conviction
Maximum -- five years

imprisonment and ten thousand
dollars fine
Mandatory minimum -- ninety
days imprisonment and five
hundred dollars fine".

2. On page 7, lines 14 and 17; page 8, lines 13 and 16; page 9, lines 15, 18, and 22; page 11, line 1; page 15, lines 17 and 21; page 16, lines 18 and 22; page 17, line 22; page 18, lines 2 and 5; and page 19, line 9, strike "ten", show as stricken, and insert "seven".

3. On page 11, line 8; and page 19, line 16, strike "ten-year", show as stricken, and insert "seven-year".

4. On page 36, line 20, strike "ten-year" and insert "five-year".

(2)

AM2663

(Amendments to Standing Committee amendments, AM2314)

1. On page 13, strike beginning with "The" in line 16 through line 24.

(3)

AM2667

(Amendments to AM2314)

1. On page 22, line 18, strike "and" and insert ". Any person violating subdivision (1)(a) of this section".

2. On page 27, line 22, strike ", breath, or urine" and show as stricken.

3. On page 28, lines 20 and 21, strike "or breath".

4. On page 29, strike beginning with "a" in line 18 through the comma in line 19 and insert "the chemical test of his or her blood".

5. On page 31, lines 4 and 9, strike "chemical" and insert "blood".

6. On page 34, line 4, strike ", breath, or urine"; and in lines 17 and 19 strike "chemical" and insert "blood".

7. On page 35, line 6, strike "chemical" and insert "blood".

8. On page 36, line 11, strike the comma; and in lines 12 strike "breath, or urine"; and in line 14 strike "chemical" and insert "blood".

(4)

AM2671

(Amendments to Standing Committee amendments, AM2314)

1. On page 22, line 18, strike "shall be subject" and insert "any subsequent violation shall subject such person".

(5)

AM2672

(Amendments to Standing Committee amendments, AM2314)

1. On page 36, line 20, before "Except" insert "Any revocation of the license for a third or subsequent time for a period greater than two years may be reduced upon application to the court if the court finds that such applicant has been treated successfully for alcohol or drug disorder.".

(6)

AM2673

(Amendments to Standing Committee amendments, AM2314)

1. Insert the following new section:

"Sec. 15. An order of probation pursuant to section 39-669.07 or 39-669.08 may not include a provision requiring abstention from use of alcohol unless a professional evaluation is submitted to the court that problems with abuse of alcohol exists. Such order may include requirements that such person attend meetings for therapeutic purposes but shall not include meetings of political, quasi-political, or advocacy groups.".

2. On page 44, line 9, strike "section 14" and insert "sections 14 and 15".

3. Renumber the remaining sections accordingly.

(7)

AM2665

(Amendments to Standing Committee amendments, AM2314)

1. On page 41, line 14, after "39-669.15"

insert ", except that the court may allow the defendant to install such interlock device on the first day after the issuance of the order if the defendant is authorized to use his or her vehicle for employment purposes".

Mr. Will asked unanimous consent to print the following amendment to LB 291 in the Journal. No objections. So ordered.

AM2668

(Amendments to Standing Committee amendments, AM2314)

1. On page 2, line 17, strike the new matter and reinstate the stricken matter.

Mr. Withem asked unanimous consent to print the following amendment to LB 130 in the Journal. No objections. So ordered.

AM2679

1. In the Moore amendment, FA241, on page 1, line 2, strike "having" and insert "which has"; and in line 4 after "premises" insert "and which receives at least fifty percent of its gross receipts from the sale of alcoholic liquor".

Mr. Chambers asked unanimous consent to print the following amendment to LB 130 in the Journal. No objections. So ordered.

FA251

Amend AM2551, after line 4:

ADD: If cigarettes or other tobacco products are dispensed from a vending machine to a minor in any establishment having such a license, such license shall be suspended for thirty days. Any subsequent sale to a minor from a vending machine shall result in the suspension of such license for six months.

Mr. Lindsay asked unanimous consent to print the following amendment to LB 291 in the Journal. No objections. So ordered.

AM2669

(Amendments to Standing Committee amendments, AM2314)

1. On page 30, line 21; and page 32, line 11, strike "thirty" and insert "sixty".

UNANIMOUS CONSENT - Add Cointroducers

Mr. Lynch asked unanimous consent to have his name added as cointroducer to LB 301. No objections. So ordered.

Mr. Coordsen asked unanimous consent to have his name added as cointroducer to LB 1288. No objections. So ordered.

Mr. Horgan asked unanimous consent to have his name added as cointroducer to LB 1257. No objections. So ordered.

VISITORS

Visitors to the Chamber were Rich Walters from Ainsworth; Avery and Sarah Guernsey and children from Bassett; Senator Abboud's parents, Fred and Bonny Abboud, and Bob and Donna Mancuso from Omaha; 48 Girl Scouts and leader from Troops 228 and 629, Omaha; and two seventh grade students, seven eighth grade students, and teacher from Superior.

The Doctor of the Day was Clarence Davis, Jr. from Osceola.

ADJOURNMENT

At 12:05 p.m., on a motion by Speaker Baack, the Legislature adjourned until 9:00 a.m., Monday, February 3, 1992.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTEENTH DAY - FEBRUARY 3, 1992

LEGISLATIVE JOURNAL

NINETY-SECOND LEGISLATURE
SECOND SESSION

EIGHTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 3, 1992

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Baack presiding.

PRAYER

The prayer was offered by Rev. Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Mr. Withem who was excused; and Messrs. Abboud, Ashford, Bernard-Stevens, Byars, Chambers, Chizek, Conway, Haberman, Hall, Kristensen, Landis, Lindsay, Moore, Robinson, Schmit, and Mrs. Hillman who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventeenth day was approved.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 922. Placed on General File.
LEGISLATIVE BILL 1023. Placed on General File.
LEGISLATIVE BILL 1124. Placed on General File.

LEGISLATIVE BILL 149. Indefinitely postponed.
LEGISLATIVE BILL 323. Indefinitely postponed.

(Signed) Ron Withem, Chairperson

MESSAGE FROM THE GOVERNOR

January 31, 1992

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 1013 was received in my office on January 31, 1992.

This bill was signed by me on January 31, 1992, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

NOTICE OF COMMITTEE HEARING
General Affairs

LB 945	Monday, February 10, 1992	1:30 p.m.
LB 1052	Monday, February 10, 1992	1:30 p.m.
LB 915	Monday, February 10, 1992	1:30 p.m.
LB 939	Monday, February 10, 1992	1:30 p.m.
LB 1151	Monday, February 10, 1992	1:30 p.m.
LB 1144	Monday, February 10, 1992	1:30 p.m.

(Signed) Stan Schellpeper, Chairperson

STANDING COMMITTEE REPORT
Education

The Committee on Education desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Coordinating Commission on Postsecondary Education

Dr. Randolph Ferlic
Norman Otto
Jane Renner Hood
Rudi Mitchell
Christine Peterson
Sheila Griffin
Eric Seacrest

VOTE: Aye: Senators Withem, Schrock, Dierks, Warner, Nelson, and Lamb. Absent: Senators Chizek and Beutler.

(Signed) Ron Withem, Chairperson

REPORTS

Received report from the Nebraska Energy Office on recommendations to the Governor.

Received annual report from the Department of Social Services on Job Support Program for Aid to Dependent Children (ADC) in accordance with Neb. Rev. Statute 43-512.11.

RESOLUTIONS

LEGISLATIVE RESOLUTION 237. Read. Considered.

LR 237 was adopted with 30 ayes, 0 nays, and 19 not voting.

LEGISLATIVE RESOLUTION 238. Read. Considered.

LR 238 was adopted with 28 ayes, 0 nays, and 21 not voting.

MOTION - Approve Appointments

Mr. R. Johnson moved the adoption of the report of the Natural Resources Committee for the following Governor appointment found in the Journal on page 613: Richard W. Sommer - Environmental Control Council.

Voting in the affirmative, 26:

Ashford	Beyer	Coordsen	Hartnett	Johnson, L.
Baack	Bohlke	Crosby	Hefner	Johnson, R.
Beutler	Byars	Dierks	Hillman	Landis

Lynch
Morrissey
Nelson
Robak
Rogers
Schimek
Schrock
Warner
Wehrbein
Wesely
Will

Voting in the negative, 0.

Present and not voting, 11:

Cudaback
Elmer
Horgan
Labedz
Lamb
Peterson
Pirsch
Rasmussen
Robinson
Schellpeper
Wickersham

Excused and not voting, 12:

Abboud
Bernard-Stevens
Chambers
Chizek
Conway
Haberman
Hall
Kristensen
Lindsay
Moore
Schmit
Withem

The appointment was confirmed with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

Mrs. Nelson moved the adoption of the report of the Nebraska Retirement Systems Committee for the following Governor appointments found in the Journal on page 598: Alcurtis Robinson and William J. Lindsay, Jr. - Nebraska Public Employees Retirement Board.

Voting in the affirmative, 27:

Ashford
Baack
Beutler
Beyer
Byars
Coordsen
Crosby
Dierks
Elmer
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Lamb
Landis
Lynch
Morrissey
Nelson
Robak
Schellpeper
Schimek
Warner
Wehrbein
Wesely
Wickersham
Will

Voting in the negative, 0.

Present and not voting, 10:

Bohlke
Cudaback
Johnson, R.
Labedz
Peterson
Pirsch
Rasmussen
Robinson
Rogers
Schrock

Excused and not voting, 12:

Abboud
Bernard-Stevens
Chambers
Chizek
Conway
Haberman
Hall
Kristensen
Lindsay
Moore
Schmit
Withem

These appointments were confirmed with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 757. E & R amendment, AM5221, found in the Journal on page 515, was adopted.

Mr. Landis renewed his pending amendment, AM2322, on file in the Clerk's Office and referred to on page 536.

The Landis amendment was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 758. E & R amendment, AM5220, found in the Journal on page 519, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 434. E & R amendment, AM5222, found in the Journal on page 524, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 435. Advanced to E & R for engrossment.

LEGISLATIVE BILL 560. E & R amendment, AM5223, found in the Journal on page 531, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 643. Advanced to E & R for engrossment.
LEGISLATIVE BILL 49. Advanced to E & R for engrossment.

LEGISLATIVE BILL 111. Mr. Dierks renewed his pending amendment, AM2566, found in the Journal on page 579.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Beutler offered the following amendment to the pending Dierks amendment:
FA253
Amend the Dierks amendment (AM2566) as follows:
On line 16 & 17 page 2 delete the new language

Mr. Warner asked unanimous consent to be excused until he returns. No objections. So ordered.

The Beutler amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Pending.

GENERAL FILE

LEGISLATIVE BILL 349. Title read. Considered.

Standing Committee amendment, AM2456, printed separately from the Journal and referred to on page 491, was considered.

Mr. Lynch moved the previous question. The question is, "Shall the debate now close?" The motion lost with 13 ayes, 12 nays, and 24 not voting.

Mr. Ashford asked unanimous consent to be excused until he returns. No objections. So ordered.

Pending.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 238.

GENERAL FILE

LEGISLATIVE BILL 349. The pending Standing Committee amendment, AM2456, was renewed.

Pending.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 308A. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 308, Ninety-second Legislature, Second Session, 1992.

LEGISLATIVE BILL 1133A. Introduced by Conway, 17.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1133, Ninety-second Legislature, Second Session, 1992.

LEGISLATIVE BILL 982A. Introduced by Conway, 17.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 982, Ninety-second Legislature, Second Session, 1992.

NOTICE OF COMMITTEE HEARINGS
Transportation

Governor Appointments Monday, February 10, 1992 1:30 p.m.
  Nebraska State Highway Commission
    Donna M. Waitschke
    John McLellan, Jr.

  Department of Roads, Director
    Allan L. Abbott

Governor Appointments Tuesday, February 11, 1992 1:30 p.m.
  Nebraska Railway Council
    Kenneth M. Lemke
    Larry Sitzman
    Frank E. Landis

Governor Appointments Tuesday, February 18, 1992 1:30 p.m.
  Motor Vehicle Industry Licensing Board

Robert Spady
Nathan L. Love
Robert McLaughlin

(Signed) Doug Kristensen, Chairperson

Natural Resources

LB 1258	Wednesday, February 19, 1992	1:30 p.m.
LB 1143	Wednesday, February 19, 1992	1:30 p.m.
LB 1239	Wednesday, February 19, 1992	1:30 p.m.
LB 1142	Thursday, February 20, 1992	1:30 p.m.
Governor Appointment	Wednesday, February 26, 1992	1:30 p.m.

Central Interstate Low-Level Radioactive Waste Compact Commission
Richard Coyne

(Signed) Rod Johnson, Chairperson

Banking, Commerce and Insurance

LB 1112	Monday, February 10, 1992	1:30 p.m.
LB 1146	Monday, February 10, 1992	1:30 p.m.
LB 1171	Monday, February 10, 1992	1:30 p.m.
LB 1243	Monday, February 10, 1992	1:30 p.m.
LB 1210	Tuesday, February 11, 1992	1:30 p.m.
LB 1229	Tuesday, February 11, 1992	1:30 p.m.
LB 1281	Tuesday, February 11, 1992	1:30 p.m.
LB 1035	Tuesday, February 18, 1992	1:30 p.m.
LB 1085	Tuesday, February 18, 1992	1:30 p.m.
LB 1201	Tuesday, February 18, 1992	1:30 p.m.
LB 1220	Tuesday, February 18, 1992	1:30 p.m.
LB 1177	Monday, February 24, 1992	1:30 p.m.
LB 1205	Monday, February 24, 1992	1:30 p.m.
LB 1260	Monday, February 24, 1992	1:30 p.m.
LB 1262	Monday, February 24, 1992	1:30 p.m.

(Signed) David Landis, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Baack asked unanimous consent to print the following amendment to LB 556 in the Journal. No objections. So ordered.

AM2686

(Amendments to Standing Committee amendments, AM2560)

1. On page 3, line 1, after "million" insert "five hundred thousand"; in line 7 strike "forty" and insert "fifty"; in line 15 strike "ten" and insert "twenty-five"; and in line 16 strike "fifty".

2. On page 4, line 20, after the period insert "The estimate of expenditures may be amended up to sixty days prior to the general election by filing a subsequent affidavit.".

3. On page 5, strike beginning with "pursuant" in line 5 through "section" in line 6; in line 6 after "office" insert "in effect as of the last date to amend an affidavit pursuant to subsection (4) of section 4 of this act"; and strike beginning with "on" in line 9 through "later" in line 12 and insert "two weeks after the last date to amend an affidavit pursuant to subsection (4) of section 4 of this act".

4. On page 6, line 23, after the period insert:

"(5) The expenditure of public funds received pursuant to section 5 of this act shall not be a violation of the spending limitation.".

STANDING COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 238. Placed on General File as amended.
Standing Committee amendment to LB 238:
AM2357

1. Strike the original sections and insert the following new sections:

"Section 1. That section 33-150, Revised Statutes Supplement, 1991, be amended to read as follows:

33-150. The State Treasurer shall credit to the General Fund ~~fifteen percent~~ a percentage of all fees actually remitted to the state treasury by the state boards of examiners in medicine and surgery, chiropractic, respiratory care, dentistry, including fees from dental hygienists, dietetics and nutrition, social work, athletic training, massage therapy, professional counseling, optometry, pharmacy, embalming and funeral directing, including fees received from funeral establishments as well as embalmers and funeral directors, podiatry, and veterinary medicine, the Board of Occupational Therapy Practice, the Board of Cosmetology Examiners, the Board of Barber Examiners, the Board of Nursing, the State Real Estate Commission, the Board of Examiners for Professional Engineers and Architects, the State Athletic Commissioner, the Nebraska Oil and Gas Conservation Commission pursuant to sections 57-906 and 57-911, and any other state board, bureau, division, fund, or commission not mentioned above, if and when ~~fifteen percent~~ the percentage of all such fees remitted into the treasury is appropriated or reappropriated to the General Fund of the state by the Legislature for the uses and purposes of the General Fund during any biennium. The amount credited in any fiscal year for any such board, bureau, division, fund, or commission shall not exceed the amount credited in fiscal year 1990-91 for the board, bureau, division, fund, or commission. Until July 1, 1993, the percentage shall be fifteen percent, from July 1, 1993, through June 30, 1994, the percentage shall be ten percent, and from July 1, 1994, through June 30, 1995, the percentage shall be five percent. After June 30, 1995, the State Treasurer shall not credit any amount from such fees. Nothing in this section shall be construed to apply to the fees inuring to the Nebraska Brand Inspection and Theft Prevention Fund and the Licensee Assistance Cash Fund and funds of the State Racing Commission.

Sec. 2. That section 33-151, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

33-151. All money now in the state treasury to the credit of the special boards, bureaus, divisions, and commissions enumerated in section 33-150~~,~~ and all money ~~hereafter~~ collected by each of ~~said~~ the special boards, bureaus, divisions, or commissions during any biennium, except ~~fifteen percent thereof to be~~ the percentage credited from each and deposited in the General Fund of the state as provided in ~~said~~ such section, if and when specifically appropriated by the Legislature for that purpose, are made immediately available for the use and benefit of ~~each~~ such special board, bureau, division, or commission. Nothing ~~;~~ ~~PROVIDED, nothing~~ in this section shall be construed to apply to the fees inuring to the Nebraska Brand Inspection and Theft Prevention Fund.

Sec. 3. That original section 33-151, Reissue Revised Statutes of Nebraska, 1943, and section 33-150, Revised Statutes Supplement, 1991, are repealed.".

LEGISLATIVE BILL 428. Placed on General File as amended.
(Standing Committee amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM2538.)

LEGISLATIVE BILL 514. Placed on General File as amended.
(Standing Committee amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM2541.)

(Signed) Don Wesely, Chairperson

General Affairs

LEGISLATIVE BILL 321. Placed on General File as amended.
Standing Committee amendment to LB 321:
AM2575

1. Insert the following new sections:

"Section 1. That section 81-2101, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-2101. Sections 81-2101 to 81-2145 and section 4 of this act shall be known and may be cited as the State Electrical Act.

Sec. 4. The ratio of apprentice electricians to a licensed electrician required in section 81-2113 may be waived for a single project by the board when a licensed electrician who is also a contractor can show that he or she is unable to meet his or her obligations for the project without additional assistance and that he or she is reasonably unable to hire one or more licensed electricians for assistance with such project.".

2. On page 5, lines 23 and 24, strike "or self-instruction".

3. On page 6, line 1, after "Labor" insert "or the board. Programs approved by the board shall include on-the-job training hours and classroom hours as set forth by the United States Department of Labor, Bureau of Apprenticeship and Training rule titled Standards of Apprenticeship, 29 C.F.R. 29.5"; in lines 12 and 13 strike "State Electrical Board", show as stricken, and insert "board"; in line 18, strike the first "one" and insert "three" and strike "electrician" and insert "electricians"; in line 19 after the first "electrician" insert ", except that such ratio shall not be applicable to a teacher-student ratio within a classroom of a community college"; in line 20 strike "State Electrical Board", show as stricken, and insert "board"; and strike beginning with "certified" in line 23 through "81-2102" in line 24 and insert "enrolled in programs approved".

4. On page 7, line 1, after "Labor" insert "or the board"; and in line 2 strike "81-2102" and insert "81-2101, 81-2102,".

5. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 510. Placed on General File as amended.
Standing Committee amendment to LB 510:
AM2576

1. Strike the original sections and insert the following new sections:

"Section 1. That section 28-1107, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-1107. (1) A person commits the offense of possession of a gambling device if he or she manufactures, sells, transports, places, possesses, or conducts or negotiates any transaction affecting or designed to affect ownership, custody, or use of any gambling device, knowing that it shall be used in the advancement of unlawful gambling activity.

(2) This section shall not apply to any coin-operated mechanical gaming device, computer gaming

device, electronic gaming device, or video gaming device which has the capability of awarding free games, which is intended to be played and is in fact played for amusement only, and which may allow the player the right to replay such gaming device at no additional cost, which right to replay shall not be considered money or property, except that such mechanical game (a) can be discharged of accumulated free replays only by reactivating the game for one additional play for each accumulated free replay and (b) makes no permanent record directly or indirectly of free replays so awarded. Notwithstanding any other provisions of this section, any mechanical game or device classified by the federal government as an illegal gambling device and requiring a federal Gambling Device Tax Stamp as required by the Internal Revenue Service in its administration of 26 U.S.C. 4461 and 4462, amended July 1, 1965, by Public Law 89-44, are hereby declared to be illegal and excluded from the exemption granted in this section.

(3) This section shall not apply to any antique slot machine. For purposes of this subsection, antique slot machine shall mean a slot machine manufactured before 1967 which is not used in any unlawful gambling activity and slot machine shall mean any mechanical device, an essential part of which is a drum or reel which bears an insignia and which, when operated, may deliver, as a result of the application of an element of chance, a token, money, or property, or by operation of which, a person may become entitled to receive, as a result of the application of an element of chance, a token, money, or property, or any subassembly or essential part intended to be used in connection with the mechanical device. It is the purpose of this subsection to protect the collection and restoration of antique slot machines which are not used in unlawful gambling activity, and nothing contained in this subsection shall be construed to authorize the use of antique slot machines in unlawful gambling activity or in the advancement of unlawful gambling activity. An antique slot machine shall only be displayed in a private dwelling.

(4) ~~(3)~~ Possession of a gambling device is a

Class II misdemeanor.

Sec. 2. That original section 28-1107, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

(Signed) Stan Schellpeper, Chairperson

Judiciary

LEGISLATIVE BILL 1041. Placed on General File as amended.
Standing Committee amendment to LB 1041:
AM2624

1. Insert the following new sections:

"Sec. 2. In any custody proceeding heard in this state, the court shall consider, in addition to other factors, the factors prescribed in subdivision (1) of section 42-364 to determine the best interests of the children.

Sec. 3. That section 43-1225, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-1225. Sections 43-1201 to 43-1225 and section 2 of this act shall be known and may be cited as the Nebraska Child Custody Jurisdiction Act.".

2. On page 3, strike beginning with "Evidence" in line 3 through "proceeding" in line 8 and insert "Evidence of abuse inflicted on any family or household member. For purposes of this subdivision, the terms abuse and family or household member shall have the meanings prescribed in the Protection from Domestic Abuse Act".

3. On page 7, line 5, after "original" insert "section 43-1225, Reissue Revised Statutes of Nebraska, 1943, and"; and in line 6 strike "is" and insert "are".

4. Renumber the remaining section accordingly.

(Signed) Jerry Chizek, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 1033. Placed on General File as amended.
Standing Committee amendment to LB 1033:

AM2607

1. On page 7, line 17, after the period insert "(1)".

2. On page 8, line 8, before "Corporations" insert "(2)(a)"; in line 19 after the period insert "The population of a city for purposes of this subsection shall be the population as determined by the most recent federal decennial census.

(b) A corporation, except a bank authorized to operate a trust department, authorized to transact business as a trust company under sections 8-201 to 8-233 as of the effective date of this act, subject to the capital stock requirement of subsection (2) of this section, which complies with the capital stock requirement of subsection (1) of this section, shall be subject to the capital stock requirement of subsection (1) of this section and shall maintain a capital stock of at least the minimum amount required by subsection (1) of this section.

(c) A corporation, except a bank authorized to operate a trust department, authorized to transact business as a trust company under sections 8-201 to 8-233 as of the effective date of this act, subject to the capital stock requirement of subsection (2) of this section, which complies with the capital stock requirement of a corporation located in a larger city pursuant to subsection (2) of this section, shall be subject to the capital stock requirement of such a corporation located in a larger city pursuant to subsection (2) of this section and shall maintain a capital stock of at least the minimum amount required for such a corporation located in a larger city pursuant to subsection (2) of this section.

(d) A capital stock requirement once attained by a corporation pursuant to either subsection (1) or (2) of this section shall not be reduced."; and in line 20 before "If" insert "(3)".

3. On page 42, line 23, after "before" insert ", on,".

LEGISLATIVE BILL 1113. Placed on General File as amended.
Standing Committee amendment to LB 1113:
AM2591

1. On page 23, strike beginning with "by" in line 10 through "commission" in line 11 and insert "in a federally insured financial institution"; in line 15 after "(4)" insert "(a)" and after "who" insert "(i)"; in line 16 strike "and" and insert "or"; in line 17 strike "or" and insert "prior to the effective date of this act or (ii)"; and in line 20 after "Providers" insert "subject to this subdivision".

2. On page 24, strike beginning with "A" in line 1 through line 4 and insert the following new subdivision:

"(b) A provider who is not subject to subdivision (a) of this subsection and who begins operation on or after the effective date of this act shall have up to the end of its tenth fiscal year of operation to meet the liquid investment reserves. Providers subject to this subdivision shall meet ten percent of the reserve requirements by the end of the provider's first fiscal year, twenty-five percent of the reserve requirements by the end of the provider's third fiscal year, fifty percent of the reserve requirements by the end of the provider's sixth fiscal year, and one hundred percent of the reserve requirements by the end of the provider's tenth fiscal year.".

LEGISLATIVE BILL 826. Indefinitely postponed.

(Signed) David Landis, Chairperson

Natural Resources

LEGISLATIVE BILL 917. Placed on General File as amended.
Standing Committee amendment to LB 917:
AM2682

1. On page 3, line 14, strike "one day" and insert "a twenty-four-hour period".

(Signed) Rod Johnson, Chairperson

GENERAL FILE

LEGISLATIVE BILL 349. Mr. Beutler offered the following amendment to the Standing Committee amendment:

AM2709

(Amendments to Standing Committee amendments, AM2456)

1. Insert the following new section:

"Sec. 4. That section 2-2609, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-2609. All authority vested in the director by virtue of the provisions of sections 2-2601 to 2-2611 may with like force and effect be executed by such employees of the Department of ~~Agriculture~~ Environmental Control as the director may from time to time designate for ~~said~~ such purpose.".

2. On page 6, line 7; page 12, line 3; page 17, line 21; and page 20, line 18, strike "Agriculture", show as stricken, and insert "Environmental Control".

3. On page 15, line 6; page 16, line 7; page 19, lines 18 and 22; page 21, lines 5 and 20; page 22, line 2; page 24, lines 1 and 11; and page 25, lines 8 and 21, strike "Agriculture" and insert "Environmental Control".

4. Renumber the remaining sections and correct internal references and the repealer accordingly.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Lindsay asked unanimous consent to print the following amendment to LB 111 in the Journal. No objections. So ordered.

AM2710

1. On page 3, line 1, strike "shall" and insert "may"; and in line 3 after "offense" insert ", except that amounts may not be aggregated into more than one offense".

Mr. Cudaback asked unanimous consent to print the following amendment to LB 111 in the Journal. No objections. So ordered.

FA254

1. Insert the following new section:

"Sec. 2. That section 28-611, Reissue Revised Statutes of Nebraska, 1943, be amended to read as

follows:

28-611. (1) Whoever obtains property, services, or present value of any kind by issuing or passing a check or similar signed order for the payment of money, knowing that he or she has no account with the drawee at the time the check or order is issued, or, if he or she has such an account, knowing that he or she does not have sufficient funds in, or credit with, the drawee for the payment of such check or order in full upon its presentation, commits the offense of issuing a bad check. Issuing a bad check is:

(a) A Class III felony if the amount of the check or order is one thousand dollars or more;

(b) A Class IV felony if the amount of the check or order is three hundred dollars or more, but less than one thousand dollars;

(c) A Class I misdemeanor if the amount of the check or order is seventy-five dollars or more, but less than three hundred dollars; and

(d) A Class II misdemeanor if the amount of the check or order is less than seventy-five dollars.

(2) For any second or subsequent offense under subdivision (1)(c) or (1)(d) of this section, any person so offending shall be guilty of a Class IV felony.

(3) Whoever otherwise issues or passes a check or similar signed order for the payment of money, knowing that he or she has no account with the drawee at the time the check or order is issued, or, if he or she has such an account, knowing that he or she does not have sufficient funds in~~,~~ or credit with~~,~~ the drawee for the payment of such check or order in full upon its presentation, commits a Class II misdemeanor.

(4) Any person in violation of this section who makes voluntary restitution to the injured party for the value of the check, draft, order, or assignment of funds shall also pay any costs of filing with the county attorney.

(5) In any prosecution when the person issuing the check has an account with the drawee, he or she shall be presumed to have known that he or she did not have sufficient funds in~~,~~ or credit with~~,~~ the drawee for the payment of such check or order in full upon its presentation, if, within thirty days after issuance of

the check or order, he or she has been notified that the drawee refused payment for lack of funds and he or she has failed within ten days after such notice to make the check good or, in the absence of such notice, he or she has failed to make the check good within ten days after notice that such check or order has been returned to the depositor was sent to him or her by the county attorney or his or her deputy, by United States mail addressed to such person at his or her last-known address. Upon request of the depositor and the payment of ten dollars for each check, draft, order, or assignment of funds, the county attorney or his or her deputy shall be required to mail notice to the person issuing the check or order as provided in this subsection. The ten-dollar payment shall be payable to the county treasurer and credited to the county general fund. No such payment shall be collected from any county office to which such a check or order is issued in the course of the official duties of the office.

(6) Any person convicted of violating this section may, in addition to being fined or imprisoned, be ordered to make restitution to the party injured for the value of the check, draft, order, or assignment of funds and ten dollars to be paid to the depositor. If the court, ~~shall~~ in addition to sentencing any person to imprisonment under this section, also ~~enter~~ enters an order of restitution, the time permitted to make such restitution shall not be concurrent with the sentence of imprisonment.

(7) The fact that restitution to the party injured has been made and that any costs of filing with the county attorney have been paid shall be a mitigating factor in the imposition of punishment for any violation of this section.".

2. On page 3, line 4, strike "section 28-518" and insert "sections 28-518 and 28-611"; and in line 5 strike "is" and insert "are".

3. Renumber the remaining section accordingly.

STANDING COMMITTEE REPORTS

Government, Military and Veterans Affairs

LEGISLATIVE BILL 978. Placed on General File.
LEGISLATIVE BILL 990. Placed on General File.
LEGISLATIVE BILL 992. Placed on General File.
LEGISLATIVE BILL 1051. Placed on General File.

LEGISLATIVE BILL 288. Placed on General File as amended.
Standing Committee amendment to LB 288:
AM2683

1. Insert the following new section:

"Section 1. That section 84-1409, Revised Statutes Supplement, 1990, be amended to read as follows:

84-1409. For purposes of sections 84-1408 to 84-1414, unless the context otherwise requires:

(1) Public body shall mean (a) governing bodies of all political subdivisions of the State of Nebraska, (b) governing bodies of all agencies, now or hereafter created by the Constitution of Nebraska, statute, or otherwise pursuant to law, of the executive department of the State of Nebraska, (c) all independent boards, commissions, bureaus, committees, councils, subunits, or any other bodies, now or hereafter created by the Constitution of Nebraska, statute, or otherwise pursuant to law, (d) the Certificate of Need Review Committee, (e) all study or advisory committees of the executive department of the State of Nebraska whether having continuing existence or appointed as special committees with limited existence, (f) advisory committees of the bodies referred to in subdivisions (a), (b), and (c) of this subdivision, and (g) instrumentalities exercising essentially public functions. Sections 84-1408 to 84-1414 shall not apply to subcommittees of such bodies unless a quorum of the public body attends a subcommittee meeting or unless such subcommittees are holding hearings, making policy, or taking formal action on behalf of their parent body nor shall such sections apply to judicial proceedings unless a court or other judicial body is exercising rulemaking authority, deliberating, or deciding upon the issuance of administrative orders; and

(2) Meeting shall mean all regular, special, or called meetings, formal or informal, of any public body for the purposes of briefing, discussion of public

business, formation of tentative policy, or the taking of any action of the public body.".

2. On page 4, line 12, strike the new matter.

3. On page 6, line 18, after the last comma insert "and section 84-1409, Revised Statutes Supplement, 1990,".

4. Renumber the remaining sections accordingly.

(Signed) Gerald Conway, Chairperson

Urban Affairs

LEGISLATIVE BILL 1008. Placed on General File as amended.
Standing Committee amendment to LB 1008:
AM2609

1. Strike original section 3.

2. On page 11, line 7, after the period insert "The fees collected pursuant to this subdivision shall be credited to a single fund to be used exclusively by the city for the removal, disposal, or recycling of garbage and refuse, or all of the same, including any costs incurred for collecting the fee and for promoting recycling.".

3. On page 19, line 8, strike the comma; and in line 9 strike "14-1108, and 14-1109" and insert "and 14-1108".

4. Renumber the remaining section accordingly.

(Signed) D. Paul Hartnett, Chairperson

VISITORS

Visitors to the Chamber were Jack Prestan from Lyman; and Nebraska LEAD Fellows from across the state.

ADJOURNMENT

At 11:52 a.m., on a motion by Mr. Morrissey, the Legislature adjourned until 9:00 a.m., Tuesday, February 4, 1992.

Patrick J. O'Donnell
Clerk of the Legislature

NINETEENTH DAY - FEBRUARY 4, 1992

LEGISLATIVE JOURNAL

NINETY-SECOND LEGISLATURE
SECOND SESSION

NINETEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 4, 1992

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Baack presiding.

PRAYER

The prayer was offered by Pastor Robert Favre, Havelock Methodist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Chizek, Dierks, Lamb, Wickersham, and Withem who were excused; and Messrs. Ashford, Chambers, Hall, Horgan, Landis, Lindsay, Moore, Morrissey, and Schmit who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighteenth day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills and resolution were correctly engrossed: 398, 523, 682, and LR 9CA.

(Signed) Eric Will, Chairperson

Enrollment and Review Change to LB 398

The following changes, required to be reported for publication in the Journal, have been made:
ER7130

1. In the Schellpeper amendment, AM2561:

a. On page 1, line 8, "any" has been inserted after "or"; and in line 11 "in" has been struck and shown as stricken and "a" has been inserted after "or"; and

b. On page 2, line 1, the stricken matter has been reinstated.

2. In the E & R amendment, AM5182, on page 1, line 7, "2-220.01," has been inserted after the last comma; and in line 15 "to change a provision on security required of carnival companies, booking agencies, and shows;" has been inserted after the semicolon.

3. On page 2, line 19, the comma has been struck and shown as stricken.

Enrollment and Review Change to LB 682

The following changes, required to be reported for publication in the Journal, have been made:
ER7132

1. On page 1, line 2, ", 24-703," has been inserted after "24-701"; and in line 5 "to require contributions and authorize a purchase of service credit as prescribed; to provide a duty for the Revisor of Statutes;" has been inserted after the semicolon.

(Signed) Mary E. Sommermeyer
E & R Attorney

LEGISLATIVE BILL 470. Placed on Select File as amended.
(E & R amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM5236.)

LEGISLATIVE BILL 948. Placed on Select File as amended.
E & R amendment to LB 948:
AM5237

1. In the Schrock amendment, AM2536:

a. On page 1, line 16, strike "proceedings" and insert "proceeding"; and

b. On page 2, line 19, strike "proceedings," and insert "proceeding".

2. On page 1, line 1, after "delivery" insert

7 "and use".

(Signed) Eric Will, Chairperson

STANDING COMMITTEE REPORT
Education

LEGISLATIVE BILL 1194. Placed on General File.

(Signed) Merton L. Dierks, Vice Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 877A. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 877, Ninety-second Legislature, Second Session, 1992; and to declare an emergency.

REPORTS

Received quarterly report from Nebraska Investment Finance Authority (NIFA) in accordance with Neb. Rev. Stat. 58-270(4).

Received report from the Department of Administrative Services relating to the Victim's Compensation Fund pursuant to statute 81-1835.

ANNOUNCEMENT

Pursuant to Rule 3, Section 11(b) and because the committee will lack a quorum, Mr. Morrissey, Chairperson of Committee on Committees, appoints Speaker Baack to the Education Committee for Tuesday, February 4, 1992.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 237.

MOTION - Approve Appointments

Mr. Warner moved the adoption of the report of the Education Committee for the following Governor appointments found in the Journal on page 620: Dr. Randolph Ferlic, Norman Otto, Jane Renner Hood, Rudi Mitchell, Christine Peterson, Sheila Griffin, and Eric Seacrest - Coordinating Commission on Postsecondary Education.

Voting in the affirmative, 25:

Abboud
Baack
Beutler
Beyer
Bohlke
Byars
Conway
Crosby
Cudaback
Elmer
Haberman
Hefner
Hillman
Johnson, L.
Johnson, R.
Labedz
Lynch
Pirsch
Rasmussen
Robinson
Schimek
Warner
Wehrbein
Wesely
Will

Voting in the negative, 0.

Present and not voting, 10:

Bernard-Stevens
Coordsen
Hartnett
Kristensen
Nelson
Peterson
Robak
Rogers
Schellpeper
Schrock

Excused and not voting, 14:

Ashford
Chambers
Chizek
Dierks
Hall
Horgan
Lamb
Landis
Lindsay
Moore
Morrissey
Schmit
Wickersham
Withem

These appointments were confirmed with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 858.

A BILL FOR AN ACT relating to state departments and agencies; to amend sections 81-549, 81-550, 81-1120.23, 83-163, 83-1,110, 83-378, and 83-1065, Reissue Revised Statutes of Nebraska, 1943; to eliminate references to this act and substitute correct act or section citations; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Abboud
Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Byars
Conway
Coordsen
Crosby
Cudaback
Elmer
Haberman
Hartnett
Hefner
Hillman
Johnson, L.
Johnson, R.
Kristensen
Labedz
Landis
Lynch
Nelson
Peterson
Pirsch
Rasmussen
Robak
Robinson
Rogers
Schellpeper
Schimek
Schrock
Warner
Wehrbein
Wesely
Will

Voting in the negative, 0.

Excused and not voting, 13:

Ashford
Chambers
Chizek
Dierks
Hall
Horgan
Lamb
Lindsay
Moore
Morrissey
Schmit
Wickersham
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 859.

A BILL FOR AN ACT relating to accountants; to repeal a provision relating to the substitution of certain terms; and to repeal section 1-172, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Abboud
Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Byars
Conway
Coordsen
Crosby
Cudaback
Elmer
Haberman
Hartnett
Hefner
Hillman
Johnson, L.
Johnson, R.
Kristensen

Labedz
Landis
Lynch
Nelson
Peterson
Pirsch
Rasmussen
Robak
Robinson
Rogers
Schellpeper
Schimek
Schrock
Warner
Wehrbein
Wesely
Will

Voting in the negative, 0.

Excused and not voting, 13:

Ashford
Chambers
Chizek
Dierks
Hall
Horgan
Lamb
Lindsay
Moore
Morrissey
Schmit
Wickersham
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 860.

A BILL FOR AN ACT relating to health; to amend sections 71-117, 71-1001, 71-1631, 71-3401, 71-3402, 71-3602, and 71-5505, Reissue Revised Statutes of Nebraska, 1943; to change incorrect references to the Department of Health and the State Board of Health; to eliminate a requirement for the substitution of terms; and to repeal the original sections, and also section 71-2623, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Abboud
Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Byars
Conway
Coordsen
Crosby
Cudaback
Elmer
Haberman
Hartnett
Hefner
Hillman
Johnson, L.
Johnson, R.
Kristensen
Labedz
Landis
Lindsay
Lynch
Nelson
Peterson
Pirsch
Rasmussen
Robak
Robinson
Rogers
Schellpeper
Schimek
Schrock
Warner
Wehrbein
Wesely
Will

Voting in the negative, 0.

Excused and not voting, 12:

Ashford
Chambers
Chizek
Dierks
Hall
Horgan
Lamb
Moore
Morrissey
Schmit
Wickersham
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 861.

A BILL FOR AN ACT relating to the Uniform Commercial Code; to amend sections 1-101, 1-102, 1-103, 1-104, 1-106, 1-108, 1-109, 1-203, 1-204, 2-207, 2-401, 2-512, 2-719, 2-725, 5-102, 7-202, 7-503, 9-201, 10-101, 10-102, 10-103, and 10-104, Uniform Commercial Code; to change internal references to this act; to delete obsolete material; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Abboud
Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Byars
Conway
Coordsen
Crosby
Cudaback
Elmer
Haberman
Hall
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Johnson, R.
Kristensen
Labedz
Landis
Lindsay
Lynch
Nelson
Peterson
Pirsch
Rasmussen
Robak
Robinson
Rogers
Schellpeper
Schimek
Schrock
Warner
Wehrbein
Wesely
Will

Voting in the negative, 0.

Excused and not voting, 10:

Ashford
Chambers
Chizek
Dierks
Lamb
Moore
Morrissey
Schmit
Wickersham
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 862.

A BILL FOR AN ACT relating to the Commission on Indian Affairs; to amend sections 81-2501 and 81-2507, Revised Statutes Supplement, 1991; to harmonize provisions relating to a quorum of the commission; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Abboud
Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Byars
Conway
Coordsen
Crosby
Cudaback
Elmer
Haberman
Hall
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Johnson, R.
Kristensen
Labedz
Landis
Lindsay
Lynch
Nelson
Peterson
Pirsch
Rasmussen
Robak
Robinson
Rogers
Schellpeper
Schimek
Schrock
Warner
Wehrbein
Wesely
Will

Voting in the negative, 0.

Excused and not voting, 10:

Ashford
Chambers
Chizek
Dierks
Lamb
Moore
Morrissey
Schmit
Wickersham
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 863.

A BILL FOR AN ACT relating to community mental health outpatient clinic services; to eliminate a provision concerning state support which was no longer furnished after April 16, 1976; and to repeal section 71-5011, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Abboud
Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Byars
Conway
Coordsen
Crosby
Cudaback
Elmer
Haberman
Hall
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Kristensen
Labedz
Landis
Lindsay
Lynch
Nelson
Peterson
Pirsch
Rasmussen
Robak
Rogers
Schellpeper
Schimek
Schmit
Schrock
Warner
Wehrbein
Wesely
Will

Voting in the negative, 0.

Present and not voting, 2:

Johnson, R.
Robinson

Excused and not voting, 9:

Ashford
Chambers
Chizek
Dierks
Lamb
Moore
Morrissey
Wickersham
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 864.

A BILL FOR AN ACT relating to the Railroad and Car Company Personal Property Tax Reimbursement Fund; to eliminate statutes which terminated July 1, 1989; and to repeal sections 77-676 and 77-677, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Abboud
Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Byars
Conway
Coordsen
Crosby
Cudaback
Elmer
Haberman
Hall
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Johnson, R.
Kristensen
Labedz
Landis
Lindsay

Lynch
Nelson
Peterson
Pirsch
Rasmussen
Robak
Robinson
Rogers
Schellpeper
Schimek
Schmit
Schrock
Warner
Wehrbein
Wesely
Will

Voting in the negative, 0.

Excused and not voting, 9:

Ashford
Chambers
Chizek
Dierks
Lamb
Moore
Morrissey
Wickersham
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 865.

A BILL FOR AN ACT relating to schools; to eliminate a requirement for a study which was required to be completed by January 1, 1990; and to repeal section 79-3418, Revised Statutes Supplement, 1990.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud
Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Byars
Conway
Coordsen
Crosby
Cudaback
Elmer
Haberman
Hall
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Johnson, R.
Kristensen
Labedz
Landis
Lindsay
Lynch
Moore
Nelson
Peterson
Pirsch
Rasmussen
Robak
Robinson
Rogers
Schellpeper
Schimek
Schmit
Schrock
Warner
Wehrbein
Wesely
Will

Voting in the negative, 0.

Excused and not voting, 8:

Ashford
Chambers
Chizek
Dierks
Lamb
Morrissey
Wickersham
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 866.

A BILL FOR AN ACT relating to transmission lines; to amend section 17-907, Reissue Revised Statutes of Nebraska, 1943; to change references to repealed sections; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud
Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Byars
Conway
Coordsen
Crosby
Cudaback
Elmer
Haberman
Hall
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Johnson, R.
Kristensen
Labedz
Landis
Lindsay
Lynch
Moore
Nelson
Peterson
Pirsch
Rasmussen
Robak
Robinson
Rogers
Schellpeper
Schimek
Schmit
Schrock
Warner
Wehrbein
Wesely
Will

Voting in the negative, 0.

Excused and not voting, 8:

Ashford
Chambers
Chizek
Dierks
Lamb
Morrissey
Wickersham
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 867.

A BILL FOR AN ACT relating to appropriations; to eliminate provisions appropriating funds for the biennium ending June 30, 1991; and to repeal section 90-501, Revised Statutes Supplement, 1990, and section 90-502, Revised Statutes Supplement, 1991.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Abboud
Baack
Bernard-Stevens
Beyer
Bohlke
Byars
Conway
Coordsen
Crosby
Cudaback
Elmer
Haberman
Hall
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Johnson, R.
Kristensen
Labedz
Landis
Lindsay
Lynch
Moore
Nelson
Peterson
Pirsch
Rasmussen
Robak
Robinson
Rogers
Schellpeper
Schimek
Schmit
Schrock
Wehrbein
Wesely
Will

Voting in the negative, 0.

Present and not voting, 2:

Beutler
Warner

Excused and not voting, 8:

Ashford
Chambers
Chizek
Dierks
Lamb
Morrissey
Wickersham
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 868.

A BILL FOR AN ACT relating to townships; to amend section 23-222.01, Reissue Revised Statutes of Nebraska, 1943; to amend a reference to a repealed section; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Abboud
Baack
Bernard-Stevens
Beyer
Bohlke
Byars
Conway
Crosby
Cudaback

Elmer
Haberman
Hall
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Johnson, R.
Labedz
Landis
Lindsay
Lynch
Moore
Nelson
Peterson
Pirsch
Rasmussen
Robak
Robinson
Rogers
Schellpeper
Schimek
Schrock
Warner
Wehrbein
Wesely
Will

Voting in the negative, 0.

Present and not voting, 4:

Beutler
Coordsen
Kristensen
Schmit

Excused and not voting, 8:

Ashford
Chambers
Chizek
Dierks
Lamb
Morrissey
Wickersham
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

GENERAL FILE

LEGISLATIVE BILL 291. Title read. Considered.

Standing Committee amendment, AM2314, printed separately from the Journal and referred to on page 499, was considered.

Pending.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, and 868.

GENERAL FILE

LEGISLATIVE BILL 291. Mr. Hall asked unanimous consent to replace his pending amendment, FA252, found in the Journal on page 614, with a substitute amendment. No objections. So ordered.

Mr. Hall withdrew his pending amendment, FA252, found in the Journal on page 614.

Mr. Hall offered the following substitute amendment to the Standing Committee amendment:

AM2727

(Amendments to Standing Committee amendments, AM2314)

1. On page 3, line 6, strike "or subsequent" and show as stricken; in line 8 strike "six months", show as stricken, and insert "one year"; and after line 14 insert:

"Fourth or subsequent conviction

Maximum -- five years imprisonment and ten thousand dollars fine

Mandatory minimum -- ninety days imprisonment and five hundred dollars fine".

2. On page 7, lines 14 and 17; page 8, lines 13 and 16; page 9, lines 15, 18, and 22; page 11, line 1; page 15, lines 17 and 21; page 16, lines 18 and 22; page 17, line 22; page 18, lines 2 and 5; and page 19, line 9, strike "ten", show as stricken, and insert "five".

3. On page 11, line 8; and page 19, line 16, strike "ten-year", show as stricken, and insert "five-year".

4. On page 36, line 20, strike "ten-year" and insert "five-year".

Messrs. Coordsen, Moore, and Landis asked unanimous consent to be excused until they return. No objections. So ordered.

MR. WARNER PRESIDING

Mr. Peterson moved the previous question. The question is, "Shall the debate now close?"

Mr. Peterson moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

The motion to cease debate prevailed with 25 ayes, 0 nays, and 24 not voting.

Mrs. Pirsch requested a record vote on the Hall amendment.

Voting in the affirmative, 11:

Baack
Bernard-Stevens
Conway
Hall
Hartnett
Labedz
Lindsay
Lynch
Rasmussen
Robak
Will

Voting in the negative, 24:

Abboud
Beutler
Beyer
Bohlke
Byars
Crosby
Cudaback
Elmer
Haberman
Hefner
Hillman
Horgan
Johnson, L.
Kristensen
Nelson
Peterson
Pirsch
Robinson
Rogers
Schmit
Schrock
Warner
Wehrbein
Wesely

Present and not voting, 5:

Chambers
Coordsen
Johnson, R.
Schellpeper
Schimek

Excused and not voting, 9:

Ashford
Chizek
Dierks
Lamb
Landis
Moore
Morrissey
Wickersham
Withem

The Hall amendment lost with 11 ayes, 24 nays, 5 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Mr. Hall renewed his pending amendment, AM2663, found in the Journal on page 615, to the Standing Committee amendment.

SPEAKER BAACK PRESIDING

Messrs. Haberman, Lynch, and Mrs. Hillman asked unanimous consent to be excused. No objections. So ordered.

Pending.

STANDING COMMITTEE REPORTS

Government, Military and Veterans Affairs

LEGISLATIVE BILL 998. Placed on General File as amended.
Standing Committee amendment to LB 998:
AM2696

1. On page 4, line 18, strike "diploma" and insert "degree, diploma, or certificate"; and in line 20 strike "diploma and degree" and insert "degree, diploma, or certificate or baccalaureate degree".

(Signed) Gerald Conway, Chairperson

Appropriations

LEGISLATIVE BILL 391. Placed on General File as amended.
Standing Committee amendment to LB 391:
AM0650

1. Strike the original section and insert the following new sections:

"Section 1. That section 77-3617, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-3617. (1) ~~Beginning July 15, 1990, the~~ The State Treasurer shall make distributions from the Personal Property Tax Reimbursement Fund to each county treasurer as reimbursement of the amount of ~~the 1988~~ 1989 and 1990 personal property tax refunded or required to be refunded by the county treasurer as a result of ~~the~~ judgments and mandates of the Nebraska Supreme Court ~~in the pipeline equalization lawsuits for tax year 1988~~ or State Board of Equalization and Assessment for tax years 1989 and 1990. The reimbursement to each county treasurer shall be in the amount determined by the Tax Commissioner as the actual tax dollar loss as a result of the recertification ordered by the State Board of Equalization and Assessment.

(2) The county treasurer shall credit the funds received from the Personal Property Tax Reimbursement Fund to the funds in his or her possession belonging to any political subdivision to the extent that the subdivision is liable for repayment of ~~1988~~ 1989 and 1990 personal property taxes. ~~by the centrally~~

~~assessed pipeline companies.~~

(3) If the Personal Property Tax Reimbursement Fund is insufficient to cover all reimbursements in full, such funds shall be distributed to such county treasurers for distribution as follows:

(a) To school districts, counties, cities, technical community colleges, and natural resources districts, as reimbursement for the refunds granted ~~to pipeline companies for tax year 1988~~ as a result of judgments and mandates of the Nebraska Supreme Court or State Board of Equalization and Assessment for tax years 1989 and 1990, an amount equal to the amount of such refund that exceeds one percent of the tax dollars received from property tax sources for tax years 1989 and 1990, ~~for tax year 1988,~~ excluding bonded indebtedness, as determined by the Tax Commissioner;

(b) To all political subdivisions other than those set out in subdivision (a) of this subsection, as reimbursement for the refunds granted ~~to the pipeline companies for tax year 1988~~ as a result of judgments and mandates of the Nebraska Supreme Court or State Board of Equalization and Assessment for tax years 1989 and 1990, an amount equal to the amount of such refund as determined by the Tax Commissioner. If the amount appropriated is not sufficient to cover the reimbursement provided for in this subdivision, the amount shall be prorated as determined by the Tax Commissioner; and

(c) The amount remaining after the distributions are made pursuant to subdivisions (a) and (b) of this subsection shall be distributed to school districts, counties, cities, technical community colleges, and natural resources districts in an amount equal to the refunds granted ~~to pipeline companies for tax year 1988~~ as a result of judgments and mandates of the Nebraska Supreme Court or State Board of Equalization and Assessment for tax years 1989 and 1990, except that the amount shall not exceed one percent of the tax dollars received from property tax sources ~~for tax year 1988~~ for tax years 1989 and 1990 as determined by the Tax Commissioner. If the amount appropriated is not sufficient to cover the reimbursement provided for in this subdivision, the amount shall be prorated as determined by the Tax Commissioner.

Sec. 2. That original section 77-3617, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

(Signed) Scott Moore, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 349A. Introduced by R. Johnson, 34.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 349, Ninety-second Legislature, Second Session, 1992.

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 4, 1992, at 11:00 a.m., were the following bills: 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, and 868.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

UNANIMOUS CONSENT - Print in Journal

Mr. Lynch asked unanimous consent to print the following amendment to LB 898 in the Journal. No objections. So ordered.

AM2629

(Amendments to Standing Committee amendments, AM 2569)

1. On page 1, line 5, after "46" insert "to serve on the executive board and three of its members from such districts to serve on the Appropriations Committee of the Legislature"; in line 6 after "45" insert "to serve on the executive board and three of its members from such districts to serve on the Appropriations Committee"; and in line 8 after "49" insert "'to serve on the executive board and three of its members from such districts to serve on the Appropriations Committee'; and in line 17 strike

'Committee on Appropriations', show as stricken, and insert 'Appropriations Committee' ".

Mr. Moore asked unanimous consent to print the following amendment to LB 503 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM2391.)

Mr. Chambers asked unanimous consent to print the following amendment to LB 291 in the Journal. No objections. So ordered.

FA255

Amend Committee Amendment AM2314

1. Page 22, lines 8, 9, strike: "under twenty-one years of age".

2. Harmonize all other statutes relative to the concentration of alcohol while operating a motor vehicle, to coincide with the requirements of this section.

VISITORS

Visitors to the Chamber were Stacie Alexander Fallon from Illinois; 33 fifth grade students and teacher from Blessed Sacrament, Lincoln; Bob Wentz from Scottsbluff; Leroy and Betty Ristow from Foster; and Helen Arps-Fencl and Christopher Arps from Schuyler.

ADJOURNMENT

At 12:02 p.m., on a motion by Mr. Hall, the Legislature adjourned until 9:00 a.m., Wednesday, February 5, 1992.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTIETH DAY - FEBRUARY 5, 1992

LEGISLATIVE JOURNAL

TWENTIETH DAY - FEBRUARY 5, 1992

LEGISLATIVE JOURNAL

NINETY-SECOND LEGISLATURE
SECOND SESSION

TWENTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 5, 1992

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Baack presiding.

PRAYER

The prayer was offered by Pastor John Eilers, Southview Christian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Chizek, Horgan, Rogers, and Withem who were excused; and Messrs. Abboud, Ashford, Byars, Conway, Haberman, Hall, Lindsay, Lynch, Morrissey, and Schmit who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the nineteenth day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 245, 245A, 671, and 696.

(Signed) Eric Will, Chairperson

Enrollment and Review Change to LB 245

The following changes, required to be reported for publication in the Journal, have been made:

ER7138

1. Because of the adoption of the Wickersham amendment, AM2410, and the Withem-Bernard-Stevens amendment, AM2546, the Withem amendment, AM2380, has been struck.

2. In the Withem-Bernard-Stevens amendment, AM2546:

a. Underscoring has been inserted in sections 1 to 6;

b. On page 1, line 15, "and" has been struck; and

c. The following new amendment has been inserted:

"2. Renumber the remaining sections accordingly.".

3. In the Wickersham amendment, AM2410:

a. On page 10, line 6, the comma has been struck and shown as stricken;

b. On page 29, line 19; page 31, line 2; page 32, lines 17 and 18; page 57, line 19; and page 71, line 19, the new matter has been struck and the stricken matter reinstated;

c. On page 30, line 3, "as including" has been struck, shown as stricken, and "to include" inserted;

d. On page 31, line 5, "such" has been struck, shown as stricken, and "the" inserted;

e. On page 32, line 22, "such" has been struck and shown as stricken;

f. On page 45, line 19, "an" has been struck and shown as stricken;

g. On page 57, line 6, "In all cases when" has been struck, shown as stricken, and "If" inserted;

h. On page 58, line 3, "advisory" has been inserted after "which";

i. On page 62, lines 10, 15, and 24, ", and this legislative bill" has been inserted after "511"; in line 15 "and" has been struck and shown as stricken; and in line 20 "exist" has been struck, shown as stricken, and "existed" inserted;

j. On page 68, line 22, an underscored comma has been inserted after "membership";

k. On page 71, line 20, ", relating" has been struck, shown as stricken, and "which relate" inserted; and in line 21 the comma has been struck and shown as stricken;

l. On page 133, line 5, "95" has been struck and "96" inserted; and in line 19 "30, 43, and 44" has been struck and "31, 44, and 45" inserted;

m. On page 134, line 1, "45 to 47" has been struck and "46 to 48" inserted; and

n. On page 136, line 22, "and" has been struck.

4. The E & R amendment, AM5178, and all amendments thereto have been struck.

5. On page 1, line 1, "to amend sections 10-716.01 and 23-3306, Reissue Revised Statutes of Nebraska, 1943, sections 43-2007, 77-3437, 77-3438, 77-3438.01, 77-3441, 79-101.01, 79-101.02, 79-201.09, 79-402, 79-402.03, 79-402.04, 79-402.13 to 79-402.20, 79-426.02, 79-426.19, 79-426.28, 79-436, 79-437.03, 79-438.08, 79-438.12, 79-445, 79-446.01 to 79-448, 79-449.01, 79-451, 79-458, 79-494, 79-497, 79-498, 79-4,102, 79-4,103, 79-4,104, 79-4,105.01, 79-4,158.01, 79-4,159, 79-4,222, 79-4,224, 79-516.08, 79-547.04, 79-606 to 79-610, 79-701, 79-1103, 79-1247.05, 79-1247.07, 79-1254.02, 79-12,115.01, 79-1303, 79-1304, 79-1369, 79-1914, 79-2203, 79-2212, 79-3304, 79-3336, 79-3415, 79-3703, 79-3803, 79-3804, 79-3806, 79-3807, 79-3808, 79-3809, 79-3810, 79-3811, 79-3813, 79-3815, 79-3816, 79-3817, 79-3818, 79-3819, 79-3820, 79-3822, 79-3823, and 79-3824, Revised Statutes Supplement, 1991, Laws 1988, LB 940, section 19, as amended by Laws 1991, LB 511, section 90, Laws 1988, LB 940, section 18, as amended by Laws 1990, LB 259, section 34, and by Laws 1991, LB 511, section 89, and Laws 1991, LB 511, sections 91 to 94;" has been inserted after the semicolon; and in line 6 "to create a fund; to restate and eliminate provisions relating to education and appropriations; to provide for the validity of certain acts and appropriations; to provide severability; to repeal the original sections, and also sections 79-493, 79-4,160, 79-1247.15, 79-12,142 to 79-12,144, 79-12,146 to 79-12,152, and 79-1912, Reissue Revised Statutes of Nebraska, 1943, and sections 79-438.09 to 79-438.11, 79-4,223, and 79-12,145, Revised Statutes Supplement, 1990;" has been inserted after the semicolon.

Enrollment and Review Change to LB 671

The following changes, required to be reported for publication in the Journal, have been made:
ER7133

1. The Landis-Lindsay amendment, AM2598, and the Lindsay amendments, AM2574 and AM2600, which were drafted to the bill as introduced have been incorporated into the Landis amendment, AM2554.

2. In the Lindsay amendment, AM2600, on page 1, line 5, the comma has been struck.

3. In the Landis amendment, AM2554:

a. On page 4, line 14, the colon has been struck and a period inserted; and

b. On page 6, line 3, "and" has been struck.

Enrollment and Review Change to LB 696

The following changes, required to be reported for publication in the Journal, have been made:
ER7134

1. In lieu of the Landis amendment, FA248, on page 8,
"I direct that my attorney in fact comply with the following instructions on life-sustaining treatment: (optional) ....

....

I direct that my attorney in fact comply with the following instructions on artificially administered nutrition and hydration: (optional) ...."
has been inserted after line 21.

(Signed) Mary E. Sommermeyer
E & R Attorney

STANDING COMMITTEE REPORTS

Education

LEGISLATIVE BILL 1174. Placed on General File.

LEGISLATIVE BILL 1071. Placed on General File as amended.
Standing Committee amendment to LB 1071:
AM2722

1. On page 2, line 5, strike "shall" and insert "may"; and in line 7 after the period insert "Mileage expenses shall be computed at the rate provided in section 81-1176. Sections 81-1174, 81-1175, and 81-1177 shall serve as guidelines for such boards when determining allowable expenses and reimbursement for such expenses.".

LEGISLATIVE BILL 1072. Placed on General File as amended.
(Standing Committee amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM2628.)

(Signed) Merton L. Dierks, Vice Chairperson

Business and Labor

LEGISLATIVE BILL 876. Placed on General File.

LEGISLATIVE BILL 551. Placed on General File as amended.
Standing Committee amendment to LB 551:
AM2662

1. Strike the original sections and insert the following new sections:

"Section 1. That section 79-3819, Revised Statutes Supplement, 1991, be amended to read as follows:

79-3819. A district may exceed its applicable allowable growth rate by a specific dollar amount in the situations described in this section.

(1) A district demonstrates to the satisfaction of the state board that a new program is required by state or federal law or an existing program mandated by state or federal law has been expanded as a result of changes in such state or federal law. For purposes of this subdivision, a final order of a court from which no appeal is taken which requires reimbursement by a district of property taxes to a taxpayer shall be considered a new program required by state or federal law but shall not be included as part of the general fund budget of expenditures for purposes of section 79-3814.

(2) The district projects an increase in formula students in the district over the current school year. Districts shall project increases in formula students on forms prescribed by the department. The state board shall approve, deny, or modify any projected increases greater than those listed in the following schedule.

Average daily membership of district	Projected increase of formula student by percentage
0 - 50	10
50.01 - 250	5
250.01 - 1,000	3
1,000.01 and over	1

The department shall compute the district's estimated allowable budget per pupil using the budgeted general fund expenditures found on the budget statement for the current school year divided by the number of formula students in the current school year and multiplied by the district's applicable allowable growth rate. The resulting allowable budget per pupil shall be multiplied by the projected formula students to arrive at the estimated budget needs for the ensuing year. The department shall allow the district to increase its general fund budget of expenditures for the ensuing school year by the amount necessary to fund the estimated budget needs of the district as computed pursuant to this subdivision. On or before July 1 of each year, the department shall make needed revisions in the applicable allowable growth rate of districts which have been allowed additional growth pursuant to this subdivision to reflect the actual formula students of such district and shall certify such revisions to each district.

(3) Construction, expansion, or alteration of district buildings will cause an increase in building operation and maintenance costs of at least five percent. The department shall document the projected increase in building operation and maintenance costs and may allow a district to exceed its applicable allowable growth percentage by the amount necessary to fund such increased costs. The department shall compute the actual increased costs for the school year and shall, if needed, modify the district's applicable allowable growth rate for the ensuing school year.

(4) A district demonstrates to the satisfaction of the state board that additional special education students will enroll in the district for the ensuing school year and will result in an increase in budgeted general fund expenditures for special education. The department shall determine the amount by which a district may exceed its applicable allowable growth rate for special education expenditures based on projected additional special education costs to the district.

(5) For the ensuing school year a district is bound by the terms of a long-term collective bargaining contract negotiated prior to July 10, 1990, and during a preceding school year to raise employee salaries by a percentage greater than such district's applicable allowable growth rate. The department shall compute the amount by which the increase in employee salaries exceeds the district's applicable allowable growth rate

and shall allow the district to increase its general fund budget of expenditures by such amount.

(6) A district demonstrates to the satisfaction of the state board that as a result of an order entered into by the Commission of Industrial Relations pursuant to section 48-818 establishing wages, fringe benefits, and other terms and conditions of employment, the district will exceed its applicable growth rate. The department shall compute the amount by which the increase in employee costs exceeds the district's applicable allowable growth rate and shall allow the district to increase its general fund budget of expenditures by such amount.

(7) A district demonstrates to the satisfaction of the state board that it will exceed its allowable growth rate as a result of a contested, but settled, contract dispute, claim, or breach or uninsured risk or as a result of any final judgment of any court of competent jurisdiction, requiring or obligating the district to pay such judgment. The department shall compute the amount by which the increased cost of the settlement or judgment exceeds the district's applicable allowable growth rate and shall allow the district to increase its general fund budget of expenditures by such amount.

Sec. 2. That original section 79-3819, Revised Statutes Supplement, 1991, is repealed.".

LEGISLATIVE BILL 1136. Placed on General File as amended.
Standing Committee amendment to LB 1136:
AM2661

1. Insert the following new section:

"Sec. 2. That section 48-145.04, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-145.04. (1) The Nebraska Workers' Compensation Court shall, prior to January 1 of each year, estimate as closely as possible the actual cost to the court of evaluating an application for self-insurance and supervising and administering the self-insurance program for the ensuing year and assess the amount thereof, but not to exceed ~~five hundred~~ two thousand dollars, against each applicant for self-insurance in this state. Such assessment shall be in addition to the payments required by subdivision (1)(b) of section 48-145. The court shall notify each applicant of the amount of the individual assessment. Such assessment shall be due and payable with the application for self-insurance. If any assessment is not paid, the application shall not be considered.

(2) All payments received under subsection (1) of this section shall be promptly paid to the State Treasurer for deposit in the state treasury for credit to the Self-Insurance Cash Fund which is hereby created. Such fund shall be expended solely for evaluating applications for self-insurance and to aid in supervising and administering the self-insurance program. After the first year, the balance remaining in such fund at the time each annual assessment is made shall be taken into account when the total assessment for the ensuing year is made.

(3) Any money in the Self-Insurance Cash Fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269.

(4) The State Treasurer shall furnish monthly to the compensation court a statement of the Self-Insurance Cash Fund setting forth the balance as of the first day of the preceding month, the income and its sources, the payments from such fund in itemized form, and the balance as of the last day of the preceding month.".

2. On page 17, line 3, after "48-128" insert ", 48-145.04,".

3. Renumber the remaining sections accordingly.

(Signed) George Coordsen, Chairperson

MESSAGES FROM THE GOVERNOR

February 3, 1992

Madam President, Mr. Speaker
and Members of the Legislature

State Capitol Building
Lincoln, Nebraska 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following reappointment to the State Electrical Board, requiring legislative approval.

> APPOINTEE: William M. Whitmer, 6421 Rogers Circle, Lincoln, NE 68506, (402) 488-8777 h, (402) 435-3514 w.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:fc

February 4, 1992

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Dry Bean Commission, requiring legislative approval.

> APPOINTEE: Dale L. Eirich, RR 2, Box 356, Bayard, NE 69334, (308) 586-2164 h, (308) 586-1010 w.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:fc

UNANIMOUS CONSENT - Print in Journal

Mr. Baack asked unanimous consent to print the following amendment to LB 573 in the Journal. No objections. So ordered.

AM2755

(Amendments to AM2573)

1. Strike beginning with "The" on page 7, line 12, through the period on page 8, line 7, and show the old matter as stricken.

NOTICE OF COMMITTEE HEARING
Education

LB 1007 Tuesday, February 18, 1992 1:30 p.m.

(Signed) Merton L. Dierks, Vice Chairperson

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 27.

A BILL FOR AN ACT relating to firefighters; to prohibit the sale and purchase of certain clothing and equipment as prescribed; to provide a penalty; and to define a term.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 34:

Baack
Bernard-Stevens
Beyer
Bohlke
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Hartnett
Hefner
Hillman
Johnson, L.
Johnson, R.
Kristensen
Labedz
Lamb
Landis
Moore
Nelson
Peterson
Pirsch
Rasmussen
Robak
Robinson
Schellpeper
Schimek
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will

Voting in the negative, 0.

Present and not voting, 1:

Beutler

Excused and not voting, 14:

Abboud
Ashford
Byars
Chizek
Conway
Haberman
Hall
Horgan
Lindsay
Lynch
Morrissey
Rogers
Schmit
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 119.

A BILL FOR AN ACT relating to schools; to amend section 79-4,141.01, Revised Statutes Supplement, 1990; to change provisions relating to accounting examinations; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Byars
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Haberman
Hartnett
Hefner
Hillman
Johnson, L.
Johnson, R.
Kristensen
Labedz
Lamb
Landis
Moore
Nelson
Peterson
Pirsch
Rasmussen
Robinson
Schellpeper
Schimek
Schmit
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will

Voting in the negative, 0.

Present and not voting, 1:

Robak

Excused and not voting, 11:

Abboud
Ashford
Chizek
Conway
Hall

Horgan Lynch Morrissey Rogers Withem
Lindsay

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 262. With Emergency.

A BILL FOR AN ACT relating to civil procedure; to amend sections 13-902, 13-910, 25-21,185, and 39-619, Reissue Revised Statutes of Nebraska, 1943, and section 81-8,219, Revised Statutes Supplement, 1990; to provide for the applicability of provisions; to define terms; to provide for the reduction of damages in civil actions for contributory negligence as prescribed; to provide for joint and several liability as prescribed; to provide for the discharge of liability and assumption of risk as a defense; to change the applicability of the Political Subdivisions Tort Claims Act and the State Tort Claims Act; to harmonize provisions; to repeal the original sections, and also sections 25-21,185.01 to 25-21,185.06, Revised Statutes Supplement, 1991; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 38:

Abboud
Ashford
Baack
Bernard-Stevens
Beyer
Bohlke
Byars

Coordsen
Crosby
Cudaback
Dierks
Elmer
Haberman
Hartnett
Hefner

Hillman
Johnson, L.
Johnson, R.
Kristensen
Labedz
Lamb
Landis
Moore

Nelson
Peterson
Pirsch
Rasmussen
Robak
Robinson
Schellpeper
Schimek

Schmit
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will

Voting in the negative, 0.

Present and not voting, 2:

Beutler Chambers

Excused and not voting, 9:

Chizek
Conway
Hall
Horgan
Lindsay
Lynch
Morrissey
Rogers
Withem

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

UNANIMOUS CONSENT - Member Excused

Mr. L. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Return LB 312 to Select File

Mr. Beutler moved to return LB 312 to Select File for the following specific amendment:
AM2414

(Amendments to the E & R amendments, AM5192)

1. Strike sections 2 and 3.
2. On page 1, strike lines 16 through 21.
3. On page 2, line 1, strike "(3)" and insert "(2)"; in line 6 strike "(4)" and insert "(3)"; strike beginning with the quotation marks in line 18 through line 23 and insert "to provide liability for releasing certain animals; to define a term; and to provide an exception.".

The Beutler motion to return prevailed with 33 ayes, 0 nays, 6 present and not voting, and 10 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 312. The Beutler specific amendment, AM2414, found in this day's Journal was adopted with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

Advanced to E & R for reengrossment.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 452.

A BILL FOR AN ACT relating to the Farm Labor Contractors Act; to amend section 48-1703, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to persons excluded from the act; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Abboud
Ashford
Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Byars
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Haberman
Hartnett
Hefner
Hillman
Johnson, R.
Kristensen
Labedz
Lamb
Landis
Moore
Nelson
Peterson
Pirsch
Rasmussen
Robak
Robinson
Schellpeper
Schimek
Schmit
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will

Voting in the negative, 0.

Present and not voting, 1:

Lynch

Excused and not voting, 9:

Chizek
Conway
Hall
Horgan
Johnson, L.
Lindsay
Morrissey
Rogers
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 543.

A BILL FOR AN ACT relating to retirement; to amend section 23-2317, Reissue Revised Statutes of Nebraska, 1943, and section 84-1319, Revised Statutes Supplement, 1991; to change provisions relating to retirement benefits for county and state employees; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Abboud
Ashford
Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Byars
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Haberman
Hartnett
Hefner
Hillman
Johnson, R.
Kristensen
Labedz
Lamb
Landis
Lynch
Moore
Nelson
Peterson
Pirsch
Rasmussen
Robak
Robinson
Schellpeper
Schimek
Schmit
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will

Voting in the negative, 0.

Excused and not voting, 9:

Chizek
Conway
Hall
Horgan
Johnson, L.
Lindsay
Morrissey
Rogers
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

GENERAL FILE

LEGISLATIVE BILL 327. Mr. Chambers asked unanimous consent to pass over.

Mr. Hefner objected.

Mr. Chambers moved to pass over LB 327.

Mr. Chambers withdrew his motion to pass over LB 327.

Mr. Chambers asked unanimous consent to pass over LB 327. No objections. So ordered.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 27, 119, 262, 452, and 543.

UNANIMOUS CONSENT - Member Excused

Mr. Warner asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 291. Mr. Will renewed the pending Hall amendment, AM2663, found in the Journal on page 615 and considered on page 655, to the Standing Committee amendment.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Will withdrew the pending Hall amendment, AM2663.

Mr. Will asked unanimous consent to replace the pending Hall amendment, AM2667, found in the Journal on page 615, with a substitute amendment. No objections. So ordered.

Mr. Will withdrew the pending Hall amendment, AM2667, found in the Journal on page 615.

Mr. Beutler offered the following substitute amendment to the Standing Committee amendment:
FA256
Amend the committee amendments (AM2314) as follows:
Strike beginning with "and" in line 18, page 22 through "39-669.18" in line 20, page 22.

Mr. Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

MR. CONWAY PRESIDING

Mrs. Hillman asked unanimous consent to be excused until she returns. No objections. So ordered.

SPEAKER BAACK PRESIDING

Mr. Beyer moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. Beyer requested a roll call vote on the Beutler amendment.

Voting in the affirmative, 25:

Abboud
Ashford
Baack
Bernard-Stevens
Beutler
Bohlke
Chambers
Conway
Elmer
Hall
Hartnett
Johnson, R.
Labedz
Landis
Lindsay
Lynch
Morrissey
Nelson
Rasmussen
Robak
Robinson
Schellpeper
Schimek
Schmit
Will

Voting in the negative, 16:

Beyer
Byars
Crosby
Cudaback
Dierks
Hefner
Hillman
Kristensen
Lamb
Moore
Peterson
Pirsch
Schrock
Wehrbein
Wesely
Wickersham

Excused and not voting, 8:

Chizek
Coordsen
Haberman
Horgan
Johnson, L.
Rogers
Warner
Withem

The Beutler amendment was adopted with 25 ayes, 16 nays, and 8 excused and not voting.

Pending.

The Chair declared the call raised.

EXPLANATION OF VOTE

Had I been present, I would have voted aye on LB 27.

(Signed) Rex Haberman

NOTICE OF COMMITTEE HEARINGS

Revenue

LB 1207	Thursday, February 13, 1992	1:30 p.m.
LB 1179	Thursday, February 13, 1992	1:30 p.m.
LB 1275	Thursday, February 13, 1992	1:30 p.m.
LB 1202	Thursday, February 13, 1992	1:30 p.m.
LB 1186	Thursday, February 13, 1992	1:30 p.m.
LB 1180	Thursday, February 13, 1992	1:30 p.m.
LB 1054	Friday, February 14, 1992	12:00 noon
LB 1218	Friday, February 14, 1992	12:00 noon
LB 1280	Friday, February 14, 1992	12:00 noon
LB 1285	Friday, February 14, 1992	12:00 noon
LB 1204	Friday, February 14, 1992	12:00 noon
LB 1271	Friday, February 14, 1992	12:00 noon
LB 1244	Friday, February 14, 1992	12:00 noon
LB 1245	Friday, February 14, 1992	12:00 noon
LB 955	Wednesday, February 19, 1992	1:30 p.m.
LB 956	Wednesday, February 19, 1992	1:30 p.m.
LB 1192	Thursday, February 20, 1992	1:30 p.m.
LB 1264	Thursday, February 20, 1992	1:30 p.m.
LB 1203	Thursday, February 20, 1992	1:30 p.m.
LB 1226	Thursday, February 20, 1992	1:30 p.m.
LB 1273	Thursday, February 20, 1992	1:30 p.m.
LB 1198	Friday, February 21, 1992	1:30 p.m.
LB 1274	Friday, February 21, 1992	1:30 p.m.
LB 1266	Friday, February 21, 1992	1:30 p.m.
LB 1276	Friday, February 21, 1992	1:30 p.m.
LR 229CA	Friday, February 21, 1992	1:30 p.m.
LR 230CA	Friday, February 21, 1992	1:30 p.m.
LB 1246	Wednesday, February 26, 1992	1:30 p.m.

(Signed) Tim Hall, Chairperson

Health and Human Services

Governor Appointment Dr. Mark Horton - Department of Health	Wednesday, February 12, 1992	1:30 p.m.

LB 1173	Wednesday, February 12, 1992	1:30 p.m.
LB 1015	Wednesday, February 12, 1992	1:30 p.m.
LB 1212	Thursday, February 13, 1992	1:30 p.m.

(Signed) Don Wesely, Chairperson

STANDING COMMITTEE REPORTS
Nebraska Retirement Systems

LEGISLATIVE BILL 475. Indefinitely postponed.

(Signed) Arlene Nelson, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 1074. Placed on General File.
LEGISLATIVE BILL 1075. Placed on General File.
LEGISLATIVE BILL 1089. Placed on General File.
LEGISLATIVE BILL 1154. Placed on General File.
LEGISLATIVE BILL 1197. Placed on General File.

(Signed) David Landis, Chairperson

Nebraska Retirement Systems

LEGISLATIVE BILL 771. Indefinitely postponed.

(Signed) Arlene Nelson, Chairperson

UNANIMOUS CONSENT - Members Excused

Mr. Wesely and Mrs. Hillman asked unanimous consent to be excused until they return. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 291. Mr. Hall reoffered his amendment, AM2663, found in the Journal on page 615, to the Standing Committee amendment.

Mrs. Rasmussen asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Beyer moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

Mr. Beyer requested a roll call vote on the Hall amendment.

Voting in the affirmative, 19:

Abboud
Ashford
Baack
Bernard-Stevens
Beutler
Chambers
Conway
Hall
Hartnett
Johnson, R.
Labedz
Landis
Lindsay
Lynch
Morrissey
Nelson
Robak
Schmit
Will

Voting in the negative, 21:

Beyer
Bohlke
Byars
Crosby
Cudaback
Dierks
Elmer
Hefner
Hillman
Kristensen
Lamb
Moore
Peterson
Pirsch
Robinson
Schellpeper
Schimek
Schrock
Warner
Wehrbein
Wickersham

Excused and not voting, 9:

Chizek
Coordsen
Haberman
Horgan
Johnson, L.
Rasmussen
Rogers
Wesely
Withem

The Hall amendment lost with 19 ayes, 21 nays, and 9 excused and not voting.

Pending.

UNANIMOUS CONSENT - Withdraw Cointroducer

Mrs. Crosby asked unanimous consent to have her name withdrawn as cointroducer to LB 1169. No objections. So ordered.

EXPLANATION OF VOTE

Had I been present, I would have voted aye on LB 27 and nay on LB 262.

(Signed) Spencer Morrissey

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 5, 1992, at 11:45 a.m., were the following bills: 27, 119, 262, 452, and 543.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

VISITORS

Visitors to the Chamber were Judy McCarthy from Columbus and Corey and Bryan Florendo from Crete; and Sue Mahar from Lincoln.

The Doctor of the Day was Jeff Susman from Elkhorn.

ADJOURNMENT

At 11:53 a.m., on a motion by Mr. Hall, the Legislature adjourned until 9:00 a.m., Thursday, February 6, 1992.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-FIRST DAY - FEBRUARY 6, 1992

LEGISLATIVE JOURNAL

NINETY-SECOND LEGISLATURE
SECOND SESSION

TWENTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 6, 1992

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Baack presiding.

PRAYER

The prayer was offered by Pastor Martha Harp, Westminster Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Horgan and Withem who were excused; and Messrs. Abboud, Ashford, Chizek, Haberman, Hall, R. Johnson, Schmit, Wesely, Will, Mmes. Bohlke, Hillman, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twentieth day was approved.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 130. Placed on Select File as amended.
E & R amendment to LB 130:
AM5238

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. The Legislature finds that the incumbent health risks associated with smoking tobacco products have been scientifically proven. The Legislature further finds that the growing number of minors who start smoking is staggering and even more abhorrent are the ages at which such children begin this deadly habit. The Legislature has established an age restriction on the use of tobacco products by minors. To ensure that the use of tobacco products among minors is discouraged to the maximum extent possible, it is the intent of the Legislature to ban the use of vending machines and similar devices to dispense tobacco products in facilities, buildings, or areas which are open to the general public within Nebraska.

Sec. 2. (1) Except as provided in subsection (2) of this section, it shall be unlawful to dispense cigarettes or other tobacco products from a vending machine or similar device. Any person violating this section shall be guilty of a Class III misdemeanor. In addition, upon conviction for a second offense, the court shall order a six-month suspension of the offender's license to sell tobacco if any and, upon conviction for a third or subsequent offense, the court shall order the permanent revocation of the offender's license to sell tobacco if any.

(2) Cigarettes or other tobacco products may be dispensed from a vending machine or similar device when such machine or device is located in an area, office, business, plant, or factory which is not open to the general public or on the licensed premises of any establishment having a license issued under the Nebraska Liquor Control Act for the sale of alcoholic liquor for consumption on the premises.

(3) Nothing in this section shall be construed to restrict or prohibit a governing body of a city or village from establishing and enforcing ordinances at least as stringent as or more stringent than the provisions of this section.

Sec. 3. This act shall become operative on January 1, 1994.".

2. On page 1, strike beginning with "cigarettes" in line 1 through line 7 and insert "tobacco products; to state intent; to restrict the use

of vending machines and similar devices to dispense cigarettes and other tobacco products; to provide penalties; and to provide an operative date.".

(Signed) Eric Will, Chairperson

STANDING COMMITTEE REPORTS

Agriculture

LEGISLATIVE BILL 959. Placed on General File.
LEGISLATIVE BILL 960. Placed on General File.
LEGISLATIVE BILL 961. Placed on General File.

(Signed) Carson Rogers, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 900. Placed on General File.
LEGISLATIVE BILL 949. Placed on General File.
LEGISLATIVE BILL 1046. Placed on General File.

(Signed) Gerald Conway, Chairperson

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 21 and 677.

(Signed) Eric Will, Chairperson

Enrollment and Review Change to LB 21

The following changes, required to be reported for publication in the Journal, have been made:
ER7136
1. In the Beutler amendment, AM2676:
a. On page 1, "(Amendments to Standing Committee amendments, AM0074)" has been struck; and
b. Amendment 2 has been struck.

2. In the Coordsen amendment, AM2460, on page 2, line 2, "section" has been struck and "sections 46-658 and" inserted; and in line 3 "is" has been struck and "are" inserted.

3. On page 1, lines 3 through 9 and all amendments thereto have been struck and "sections 46-658 and 46-674.19, Revised Statutes Supplement, 1991; to eliminate a consent requirement for including certain area in a control area; to change provisions authorizing a tax levy for special ground water quality protection areas and portions of management areas; and to repeal the original sections." inserted.

Enrollment and Review Change to LB 677

The following changes, required to be reported for publication in the Journal, have been made:

ER7137

1. The following new section has been inserted and the remaining sections renumbered accordingly:

"Sec. 29. That section 71-2017.07, Revised Statutes Supplement, 1991, be amended to read as follows:

71-2017.07. The Department of Health may waive either (1) the requirement of subdivision (22) of section 71-2017.01 that a nursing facility or long-term care hospital certified under Title XIX of the Social Security Act, as amended, use the services of a licensed registered nurse for at least eight consecutive hours per day, seven days per week, or (2) the requirement of subdivision (22) of section 71-2017.01 that a nursing facility or long-term care hospital certified under Title XIX of the Social Security Act, as amended, use the services of a licensed registered nurse or licensed practical nurse on a twenty-four-hour basis seven days per week, including the requirement for a charge nurse on each tour of duty, if:

(a) The facility or hospital demonstrates to the satisfaction of the department that it has been unable, despite diligent efforts, including offering wages at the community prevailing rate for the facilities or hospitals, to recruit appropriate personnel;

(b) The department determines that a waiver of the requirement will not endanger the health or safety of individuals staying in the facility or hospital; and

(c) The department finds that, for any periods in which licensed nursing services are not available, a licensed registered nurse or physician is obligated to respond immediately to telephone calls from the facility or hospital.

A waiver granted under this section shall be subject to annual review by the department. The department shall provide notice of the granting of a waiver to the office of the state long-term care ombudsman ~~of the~~

~~Department on Aging~~ and to the Nebraska Advocacy Services or any successor designated for the protection of and advocacy for persons with mental illness or mental retardation. A nursing facility granted a waiver shall provide written notification to each resident of the facility or, if appropriate, to the guardian, legal representative, or immediate family of the resident. As a condition of granting or renewing a waiver, a facility or hospital may be required to employ other qualified licensed personnel.

The department may grant a waiver under this section if it determines that the waiver will not cause the State of Nebraska to fail to comply with any of the applicable requirements of medicaid so as to make the state ineligible for the receipt of all funds to which it might otherwise be entitled.".

2. In the Wesely amendment, AM2332, on page 30, line 6, "and section 71-2017.07, Revised Statutes Supplement, 1991," has been inserted after the second comma.

3. In the E & R amendment, AM5207, on page 1, line 14, "71-6054" has been struck and "71-2017.07" inserted; and in line 19 "rearrange certain licensing requirements" has been struck and "harmonize provisions" inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

UNANIMOUS CONSENT - Add Cointroducer

Mr. Robinson asked unanimous consent to have his name added as cointroducer to LB 963. No objections. So ordered.

ANNOUNCEMENTS

Mr. Robinson designates LB 963 as his priority bill.

Mr. Abboud designates LB 812 as his priority bill.

NOTICE OF COMMITTEE HEARING
General Affairs

LB 1175	Monday, February 24, 1992	1:30 p.m.
LB 1188	Monday, February 24, 1992	1:30 p.m.
LB 1267	Monday, February 24, 1992	1:30 p.m.

Governor Appointments Nebraska Arts Council	Monday, February 24, 1992	1:30 p.m.

Donna N. Williams
Al Davis
Sonia M. Breslow
Nebraska Liquor Control Commission
Donald N. Dworak

(Signed) Stan Schellpeper, Chairperson

REPORT

Received Comprehensive Annual Financial Report from the State of Nebraska for the fiscal year ended June 30, 1991.

RESOLUTION

LEGISLATIVE RESOLUTION 228. Read. Considered.

LR 228 was adopted with 27 ayes, 0 nays, and 22 not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 816.

A BILL FOR AN ACT relating to correctional services; to amend sections 83-1,107, 83-1,108, 83-1,109, 83-1,110, 83-1,118, 83-1,122, 83-1,123, and 83-1,125, Reissue Revised Statutes of Nebraska, 1943, and section 83-170, Revised Statutes Supplement, 1990; to define and redefine terms; to change and eliminate provisions relating to good time; to change a provision relating to parole revocation; to harmonize provisions; and to repeal the original sections, and also section 83-1,107.01, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 27:

Abboud
Baack
Bernard-Stevens
Beyer
Chambers
Conway
Coordsen
Crosby
Cudaback
Dierks
Elmer
Hartnett
Kristensen

Landis
Lindsay
Lynch
Moore
Nelson
Rasmussen
Robak
Robinson
Schellpeper
Schimek
Wehrbein
Wesely
Wickersham
Will

Voting in the negative, 6:

Beutler
Haberman
Hefner
Johnson, L.
Lamb
Schrock

Present and not voting, 6:

Byars
Labedz
Morrissey
Peterson
Rogers
Warner

Excused and not voting, 10:

Ashford
Bohlke
Chizek
Hall
Hillman
Horgan
Johnson, R.
Pirsch
Schmit
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 869.

A BILL FOR AN ACT relating to initiative and referendum measures; to amend sections 32-451, 32-702, 32-709, and 32-712, Reissue Revised Statutes of Nebraska, 1943; to harmonize provisions relating to ballot language with Laws 1991, LB 192; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 38:

Abboud
Baack
Bernard-Stevens
Beutler
Beyer
Byars
Chambers
Conway
Coordsen
Crosby
Cudaback
Dierks
Elmer
Haberman
Hartnett
Hefner
Hillman
Johnson, L.
Kristensen
Lamb
Landis
Lindsay
Lynch
Moore
Morrissey
Nelson
Peterson
Rasmussen
Robak
Rogers
Schellpeper
Schimek
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will

Voting in the negative, 0.

Present and not voting, 2:

Labedz
Robinson

Excused and not voting, 9:

Ashford
Bohlke
Chizek
Hall
Horgan
Johnson, R.
Pirsch
Schmit
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 870.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-448, Reissue Revised Statutes of Nebraska, 1943; to correct an internal reference; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Abboud
Baack
Bernard-Stevens
Beutler
Beyer
Byars
Chambers
Conway
Coordsen
Crosby
Cudaback
Dierks
Elmer
Haberman
Hartnett
Hefner
Hillman
Johnson, L.
Kristensen
Labedz
Lamb
Landis
Lindsay
Morrissey
Nelson
Peterson
Rasmussen
Robak
Robinson
Rogers
Schellpeper
Schimek
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will

Voting in the negative, 0.

Present and not voting, 2:

Lynch
Moore

Excused and not voting, 9:

Ashford	Chizek	Horgan	Pirsch	Withem
Bohlke	Hall	Johnson, R.	Schmit	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SELECT FILE

LEGISLATIVE BILL 503. E & R amendment, AM5135, found in the Journal on page 1903, First Session, 1991, was adopted.

Mr. Schellpeper withdrew his pending amendment, AM1471, found in the Journal on page 1872, First Session, 1991.

Mr. Moore renewed his pending amendment, AM2391, printed separately from the Journal and referred to on page 659.

Mr. Beutler and Mrs. Labedz asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution and bills: LR 228, LBs 816, 869, and 870.

SELECT FILE

LEGISLATIVE BILL 503. Mr. Bernard-Stevens offered the following amendment to the pending Moore amendment:
FA257
Amend amendment, AM2391, to read "Strike section 5 and 6"

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

PRESIDENT MOUL PRESIDING

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Bernard-Stevens withdrew his pending amendment, FA257.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Will asked unanimous consent to print the following amendment to LB 718 in the Journal. No objections. So ordered.

FA258

1. On page 14, line 15, after "deposits" insert "in cash or cash equivalents".

Mr. Baack asked unanimous consent to print the following amendment to LB 556 in the Journal. No objections. So ordered.

AM2762

(Amendments to Standing Committee amendments, AM2560)

1. Strike original section 9 and insert the following new section:

"Sec. 8. The Campaign Finance Limitation Cash Fund is hereby created. The fund shall be used by the commission to provide public financing of campaigns pursuant to the Campaign Finance Limitation Act, except that transfers may be made to the General Fund at the direction of the Legislature. The fund shall consist of money appropriated to it by the Legislature and amounts refunded by candidates pursuant to section 6 of this act. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.".

2. On page 1, line 3, strike "7" and insert "8".

3. On page 5, line 6, strike "other candidate" and insert "of the candidate's opponents" and after the underscored period insert "The commission shall compute the amount of payment to be made to a candidate.".

4. On page 10, strike beginning with "and" in line 19 through "are" in line 20 and insert "is".

5. Renumber the remaining sections accordingly.

Mr. Bernard-Stevens asked unanimous consent to print the following amendment to LB 189 in the Journal. No objections. So ordered.

AM2612

1. Strike original sections 2 and 10 and all amendments thereto and insert the following new sections:

"Sec. 2. That section 83-4,125, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-4,125. For ~~the~~ purposes of sections 83-4,124 to 83-4,134:

(1) Criminal ~~, criminal~~ detention facility shall mean any institution operated by a political ~~jurisdiction~~ subdivision or a combination of ~~jurisdictions~~ political subdivisions, other than an institution operated by the Department of Correctional Services, for the careful keeping or rehabilitative needs of adult or juvenile criminal offenders or those persons being detained while awaiting disposition of charges against them. Criminal detention facilities ~~are~~ shall be defined as follows:

~~(1)~~ (a) Type I Facilities shall mean criminal detention facilities used for the detention of persons for not more than twenty-four hours, excluding holidays and weekends;

~~(2)~~ (b) Type II Facilities shall mean criminal detention facilities used for the detention of persons for not more than ninety-six hours, excluding holidays and weekends; and

~~(3)~~ (c) Type III Facilities shall mean criminal detention facilities used for the detention of persons beyond ninety-six hours; and

(2) Juvenile detention facility shall mean an institution operated by a political subdivision or political subdivisions for the secure custody and treatment of persons younger than eighteen years of age, including persons under the jurisdiction of a juvenile court, who are serving a sentence pursuant to a conviction in a county or district court or who are detained while waiting disposition of charges against them.

Sec. 10. That section 83-4,133, Revised Statutes Supplement, 1991, be amended to read as follows:

83-4,133. If ~~such~~ the governing body of the juvenile detention facility or criminal detention facility fails to initiate corrective action within six months of the receipt of such inspection report~~;~~ or fails to correct the disclosed conditions, ~~or fails to close the facility or the objectionable portion thereof,~~ the Jail Standards Board may petition the district court within the judicial district in which ~~the~~ such facility is located to close ~~such~~ the facility. Such petition shall include the inspection report regarding such facility. The local governing body shall then have thirty days to respond to such petition and shall serve a copy of the response on the Jail Standards Board by certified mail, return receipt requested. Thereafter, a hearing shall be held on the petition before the district court, and an order shall be rendered by such court which either:

(1) Dismisses the petition of the Jail Standards Board;

(2) Directs that corrective action be initiated in some form by the local governing body of the facility in question; or

(3) Directs that the facility be closed. An appeal from the decision of the district court may be taken to the Court of Appeals.".

2. On page 2, line 6, after "facilities" insert "and juvenile detention facilities".

3. On page 5, line 15, strike "such" and show as stricken; and in line 18 after "facilities" insert "and juvenile detention facilities".

4. On page 9, line 15, after "facility" insert "and juvenile detention facility"; in line 17 strike "prisoners", show as stricken, and insert "persons confined in the facilities"; in line 24 after "facility" insert "or juvenile detention facility".

5. On page 10, line 7, after "facility" insert "or juvenile detention facility".

6. On page 12, line 6, after "facility" insert "or juvenile detention facility"; in line 22 strike "and" and after "to" insert "83-4,132, and"; in

line 23 strike "and"; and in line 24 after the last comma insert "and section 83-4,133, Revised Statutes Supplement, 1991, and also section 83-944, Reissue Revised Statutes of Nebraska, 1943,".

ATTORNEY GENERAL'S OPINION

Opinion No. 92015

DATE:	February 5, 1992
SUBJECT:	Proposed Constitutional Amendment to Exempt Livestock from Property Taxation and Tax Other Tangible Personal Property Based on "Depreciated Value."
REQUESTED BY:	Senator Roger Wehrbein Nebraska State Legislature
WRITTEN BY:	Don Stenberg, Attorney General L. Jay Bartel, Assistant Attorney General

As a follow-up to our response to your prior questions regarding the constitutionality of a proposed amendment to the Nebraska Constitution exempting livestock from property taxation, addressed in Attorney General Opinion No. 92005, January 10, 1992, you have requested our opinion on several additional questions relating to the validity of such an amendment under the equal protection clause of the Fourteenth Amendment to the United States Constitution. Specifically, you ask whether it is permissible under the Fourteenth Amendment for the state to classify all livestock as exempt for property tax purposes, while other tangible personal property is classified as taxable based on its "depreciated value" for federal income tax purposes. In addition, you ask whether the federal equal protection clause bars the state from establishing tangible personal property depreciated for federal income tax purposes as a "class" subject to taxation based on its "value" as reported for federal income tax purposes.

In our prior opinion, we addressed at length the standards applied by the United States Supreme Court in addressing the validity of state tax classifications under the federal equal protection clause. The test for determining whether a distinction is valid under the equal protection clause was summarized by the Court in Hooper v. Bernalillo County Assessor, 472 U.S. 612, 618 (1985) as follows: "Generally, a law will survive {equal protection clause} scrutiny if the distinction rationally furthers a legitimate state purpose." Thus, where no fundamental right or suspect classification is involved, the test involves a two-part inquiry. First, the state must have a legitimate purpose for the distinction. Second, the distinction must rationally further that purpose.

For the reasons noted in our recent opinion, we do not believe that the establishment of an exemption for all livestock under state law would, necessarily, violate the Fourteenth Amendment guarantee of equal protection, even if other types of tangible personal property remained subject to taxation. It is, of course, true that some breeding livestock is depreciable, (i.e., replacement heifers purchased by a rancher), while other breeding livestock is not (i.e., heifers raised by a rancher), as the depreciation deduction allowed under the Internal Revenue Code applies to livestock acquired for work, breeding, or dairy purposes, unless included in inventory. Treas. Reg. § 1.167(a)-6. For purposes of determining the validity of exempting all livestock under the federal equal protection clause, however, we do not believe this distinction is significant.

In this regard, we note that other states exempt all livestock from property taxation. E.g., Colo. Const. art. 10, § 3; Idaho Code Ann. 63-105(Y) (1989); Utah Code Ann. 59-2-1112 (Cum. Supp. 1991); Wis. Stat. Ann. § 70.111(17) (West 1989). Indeed, in Leonardson v. Moon, 92 Idaho 746, 451 P.2d. 542 (1969), the Supreme Court of Idaho held the exemption of producing property such as production herds of cattle and horses and production flocks of sheep, while other types of productive personal property remained subject to taxation, did not constitute impermissible discrimination prohibited by the Fourteenth Amendment. The exemption of livestock, including breeding livestock, is not irrational, and, based on the reasons outlined in our prior opinion, plainly furthers legitimate state purposes, given the importance of the entire industry to the state.

Of greater significance, however, are the questions you raise concerning the validity of the establishment of tangible personal property as a class subject to taxation based on its "depreciated value" as determined for federal income tax purposes. We have reservations as to whether the state may classify and tax tangible personal property in this manner without running afoul of the equal protection clause of the Fourteenth Amendment.

The equal protection clause "imposes no iron rule of equality, prohibiting the flexibility and variety that are appropriate to reasonable schemes of state taxation." Allied Stores of Ohio, Inc. v. Bowers, 358 U. S. 522, 526 (1959). In structuring their internal tax structures, "the States have large leeway in making classifications and drawing lines which in their judgment produce reasonable systems of taxation." Lenhausen v. Lake Shore Auto Parts Co., 416 U. S. 356, 359 (1973).

> Equal protection does not require identity of treatment. It only requires that classification rest on real and not feigned differences, that the distinction have some relevance to the purpose for which the classification is made, and that the different treatments be not so disparate, relative to the differences in classification, as to be wholly arbitrary.

Walters v. City of St. Louis, 347 U. S. 231, 237 (1954). "In its discretion {a state} may tax all, or it may tax some, taking care to accord to all in the same class equality of rights." Id. (quoting Southwestern Oil Co. v. State, 217 U. S. 114, 121 (1910) (Emphasis in original). The Clause "applies only to taxation which in fact bears unequally on persons or property of the same class." Allegheny Pittsburgh Coal Co. v. County Comm'n of Webster County, ___ U. S. ___, ___, 109 S. Ct. 633, 637, 102 L.Ed.2d 688, 697 (1989) (quoting Charleston Fed. Savings & Loan Ass'n v. Alderson, 324 U.S. 182, 190 (1945)). "{T}he equal protection clause means that the rights of all persons must rest upon the same rule under similar circumstances. Louisville Gas & Elec. Co. v. Coleman, 277 U.S. 32, 37 (1928).

Judged by these standards, we have doubts as to whether the establishment of a class of "depreciable tangible personal property," subject to property taxation based on its "value" for federal income tax purposes, satisfies the requirements of the equal protection clause of the Federal Constitution. First, it is erroneous to assert that the "adjusted basis" of such property, as determined for income tax purposes under the Internal Revenue Code, as amended, is in any way intended to measure the "value" of property. Indeed, this point was expressly recognized by the Nebraska Supreme Court over 20 years ago in State ex rel. Meyer v. McNeil, 185 Neb. 586, 177 N.W.2d 596 (1970) {"McNeil"}.

McNeil involved the issue of whether a legislative act declaring that the values of agricultural income producing machinery and equipment used by any business required to report taxable income under the Internal Revenue Code be used by county assessors for property tax purposes violated Neb Const. art. VIII, § 1. In determining this method of valuing property for tax purposes violated the State Constitution, the court specifically noted the fact that the "value" of such property for income tax purposes bore no relation to the "actual value" determination required to comply with Article VIII, Section 1. In this regard, the court stated:

> {T}he Internal Revenue Code does not purport to determine the value of agricultural income-producing machinery and equipment. Its purpose is to fix an equitable rate of depreciation of personal property used in a trade or business over the estimated useful life of the property

> rather than have it fall in a single year period. Its purpose is not to fix the actual value of the property at any given time, but to amortize depreciation during its life in determining net annual income. The revenue act therefore does not purport to determine actual value of farm machinery and equipment at any given time and is wholly unrelated to actual value for taxation purposes required by the law of this state.

Id. at 589, 177 N.W.2d at 599 (emphasis added).

We recognize that, under the second scenario presented in your prior request, the Nebraska Constitution would be amended to classify "depreciable tangible personal property" and to allow its taxation based on its "value" as depreciated for federal income tax purposes. This would, of course, address the specific basis for the court's holding in McNeil that the use of a different method of valuation (i.e., depreciated "value" as determined by the Internal Revenue Code) for certain property resulted in a violation of the requirement that all property be taxed uniformly at its "actual value," the standard applied to the taxation of other property. Nevertheless, we must question whether, even if such a classification were established under state law, the use of remaining federal income tax basis as the "value" of tangible personal property for ad valorem tax purposes would constitute an arbitrary or irrational classification prohibited by the federal equal protection clause.

The allowance of a deduction for cost recovery of property used in the production of income is obviously a proper deduction for purposes of determining income tax liability. The theory behind the allowance of a deduction of the cost of such property for income tax purposes is based, in part, on recognition of the fact that it would distort income to have the entire cost of the property deducted in the year of acquisition, when the property has a useful life of more than one year. The depreciation methods required under the Internal Revenue Code are designed to determine taxable income on an annual basis.[1]

While the allowance of a deduction for cost recovery of property used in the production of income is clearly reasonable and rationally related to the determination of income tax liability, it does not necessarily follow that the use of the "adjusted basis" of tangible personal property for federal income tax purposes constitutes a reasonable or rational standard for assessing property for ad valorem taxation, given the lack of any relationship between the "value" of property and remaining federal income tax basis of property as reported under the Internal Revenue Code. Such a classification may, in and of itself, be deemed arbitrary and unreasonable if adopted for ad valorem property tax purposes.

Apart from consideration of whether the establishment of "depreciable tangible personal property" as a separate class of property subject to taxation based on remaining federal income tax basis is permissible under the Fourteenth Amendment, however, an even greater concern is the disparate treatment which adoption of such a standard of taxation would create among properties included within the class. In order to explain the source of such disparities, it is necessary to provide a brief discussion of the various depreciation systems under the Internal Revenue Code applicable to property placed in service during the past twenty years.

Generally, three different federal depreciation systems exist for property placed in service during this period:

(1) A "depreciation deduction" under the "Class Life Asset Depreciation Range (ADR) System" or based on the useful life of property for property placed in service after 1970 and, generally, before 1981;

(2) A "cost recovery" deduction under the Accelerated Cost Recovery System (ACRS) applicable to "recovery property" placed in service after 1980 and before 1987; and

(3) A "cost recovery" deduction under the Modified Accelerated Cost Recovery System (MACRS) applicable to "recovery property" placed in service after 1986.

Under useful-life depreciation, the taxpayer could compute depreciation over the estimated useful life of the property to the taxpayer based on the taxpayer's own facts and circumstances. 3 Stand. Fed. Tax Rep. (CCH) paras. 11,003 and 11,004. Several methods were available to compute the amount of the depreciation allowance, including the straight line method, the sum of the years digits method, the 150 percent declining balance method, and the 200 percent declining balance method. Id. at para. 11037. Under the ADR System, the Internal Revenue Service established ranges for broad industry classes (over 100) of assets from which a depreciation period could be selected for depreciation purposes. Rev. Proc. 72-10, 1972-1 C.B. 721; Rev. Proc. 77-10, 1977-1 C.B. 548; Rev. Proc. 83-35, 1983-1 C.B. 745. The ranges varied from as short as 2.5 to 3.5 years for some assets to as long as 40 to 60 years for other assets. Under the Class Life ADR System, depreciation could be computed under any of the three major methods for which the property qualified, either the straight line, sum of the years digits, or declining balance methods.

The Accelerated Cost Recovery System (ACRS) "is a system for recovering capital costs using accelerated methods over predetermined recovery periods that are generally unrelated to, but shorter than, prior law useful lives." Staff of the Joint Committee on Taxation, 97th Cong., General Explanation of the Economic Recovery Tax Act of 1981, 75-76 (Comm. Print 1981). One of the principal reasons for the enactment of the ACRS System by Congress was to provide accelerated cost recovery over periods that were shorter than the previously existing useful life system, in order to stimulate capital formation and the growth of the economy. Id. at 19.

Under ACRS, the cost of qualifying personal property generally was required to be recovered over periods from three to nineteen years, with most personal property being in a 3-year, 5-year, 10-year, or 15-year recovery period. The allowance generally was based on the 150 percent declining balance method for the early recovery years, then switching to a straight line method. Alternatively, taxpayers could elect to use the straight line method over the ACRS recovery period or over a longer period provided by the law. 3 Stand. Fed. Tax Rep. (CCH) para. 11,258. Taxpayers other than trusts and estates could elect to expense up to $5,000.00 of qualified property placed in service during a year rather than recovering the cost thereof under ACRS. Id. at para. 12,122A.

The Modified Accelerated Cost Recovery System (MACRS) reclassified some assets, provided a more accelerated cost recovery method for some classes, added new classes, and extended the recovery periods for some assets. Recovery generally is made over periods of from 3 to 31.5 years under MACRS. Depending upon the class involved, the recovery methods available for most personal property are 200 percent declining balance, switching to straight line, and 150 percent declining balance, switching to straight line. Straight line recovery is also available, or, in some cases, required. 3 Stand. Fed. Tax Rep. (CCH) para. 11,279. The provision permitting taxpayers other than trusts and estates to treat the cost of qualifying property as an expense was continued, with modifications, including increasing the amount that could be expensed. I.R.C. § 179 (b)(1).

The terminology employed in the Internal Revenue Code reflects that both ACRS and MACRS are "cost recovery systems." I.R.C. § 168. In other words, the systems are not intended to reflect the value of property at any given time. For many assets, the systems are designed to make the recovery before the end of the useful life of the asset. For example, the 7-year property recovery class under MACRS is, by definition, property having a class life under the ADR system of 10 to 15 years. See Rev. Proc. 87-56, 1987-2 C.B. 674, 676.

Each of these systems provide a method of recovering the cost, but not more than the cost, of an asset, either in the year placed in service or over a period of time. The intent of providing an allocation for cost recovery is to more accurately determine the amount of "income" for a given period of time in which the asset is employed in a business. The question is primarily one of timing, with all taxpayers eventually being eligible to recover the same amount, their cost, and taxpayers being taxed by a similar standard, income. In determining the timing of their recovery of costs, taxpayers under the systems have a degree of latitude, although limited, in electing how the systems will be applied to them, and there is a substantial variation in the systems and in the particular results in a particular year (both for that year and cumulatively), depending on several factors, including elections made and the year in which property was first placed in service. Over time, however, each taxpayer is generally treated equally as to the amount to be recovered (i.e., cost), and as to the measure of taxation (i.e., income).

Because of the variations available by choice and those required by the Code, and the variations in the systems themselves as to timing and recovery methods, the use of remaining unrecovered cost as determined for federal income tax purposes as an annual measure for property tax purposes would result in similar property being taxed unequally in a particular year and over the recovery periods of the properties. Taxpayers engaged in identical businesses with identical pieces of personal property could pay substantially different property taxes depending on such factors as whether expensing rather than cost recovery was or is used, the year the item was or is first placed in service by the particular taxpayer, the cost recovery method required or elected as to the property, and the method of acquiring the property. Identical properties could be subjected to grossly different tax burdens.

For illustration, assuming a 2.3 percent annual property tax over a period of eleven years, the property tax imposed over the eleven years on an asset in a "10-year property" class under MACRS, using a mid-year convention, could be between 0 percent or 2.3 percent of the cost of the property if an expense election was taken, but between 8.8 percent and 11.13 percent or higher of the cost if recovered under MACRS; and, for all or most of the eleven year period, one would not be taxed annually at all and the other would be taxed. Moreover, the property being subjected to the higher property tax is the one that, to that time, has provided the least income tax deduction to the taxpayer, or, stated differently, the property that has provided the greatest income deduction to its owner is the one that is subjected to the least amount of property tax.

In sum, the adoption of the remaining federal income tax basis of personal property as reported under the Internal Revenue Code as a basis for property tax purposes would result in identical properties being used for identical purposes in identical businesses by similar types of owners being subjected to substantially different tax burdens. Accordingly, we believe that a serious question exists as to whether the different tax burdens which would be placed on taxpayers owning property within the class of "depreciable tangible personal property," if defined as the remaining basis of tangible personal property for federal income tax purposes, would violate the equal protection clause principle requiring that equality of treatment be accorded to all who are taxed of the same class.

We recognize that at least one state provides a means whereby business personal property may be taxed based on "net book value," which is defined as "the cost less depreciation of the property as shown on the federal income tax return of the taxpayer." Vt. Stat. Ann. tit. 32, § 3618 (1981 and Cum Supp. 1991). Under the Vermont statute, voters of a municipality may elect to tax business personal property and to have such property appraised by either of the following methods, as determined by the taxpayer: (1) Fifty percent of cost during the time the property is not fully depreciated for federal income tax purposes until it is fully depreciated, when it is then appaised at ten percent of cost; or (2) At net book value during the time the property has not been depreciated to ten percent of cost or less for federal income tax purposes, and, thereafter, at ten percent of cost. Apart from certain differences under the Vermont statute which distinguishes this appraisal procedure from the scheme which has been suggested to tax "depreciable tangible personal property" in Nebraska, we note that no question has apparently been raised as to whether the Vermont methodology satisfies federal constitutional requirements.

In the event the Legislature deems it appropriate to provide a means whereby tangible personal property is to be taxed under some standard other than "actual value," permitting its taxation on a "depreciated" basis, we urge that consideration be given to the adoption of a constitutional amendment which would authorize a system which utilizes a schedule (or schedules) which would apply depreciation factors to various types of properties without reliance upon remaining federal income tax basis as the standard for valuing such properties for ad valorem tax purposes. For example, South Carolina has adopted a state constitutional and statutory scheme which permits the definition of "fair market value" of manufacturers machinery and equipment to be determined by reducing the original cost by an annual allowance for depreciation based on a schedule applied to various categories of properties, while providing that original cost cannot be reduced by more than eighty percent. S.C. Const. art. X, § 2; S.C. Code Ann. § 12-37-930 (Law. Coop. Cum. Supp. 1991); see South Carolina Tax Comm'n v. South Carolina Tax Bd. of Review, 278 S.C. 556, 299 S.E.2d 489 (1983) (upholding constitutionality of method for assessing value of manufacturing equipment on this basis). See also South Carolina Tax Comm'n v. South Carolina Tax Bd. of Review, ___ S.C. ____, 407 S.E.2d 627 (1991), cert. denied Collins Music Co. v. South Carolina Tax Comm'n, 60 U.S.L.W. 3478 (Jan. 13, 1992) (sustaining constitutionality of regulation employing a depreciation floor to value merchants' equipment of not less that ten percent of original cost). In our view, adoption of a state constitutional amendment authorizing the enactment of statutory and regulatory provisions utilizing such a "depreciated" value methodology for ad valorem tax purposes would provide a much sounder basis to defend against potential challenges based on due process or equal protection grounds which could be raised if remaining depreciable federal income tax basis where employed as the sole method for assessing the "value" of tangible personal property for tax purposes.[2]

In sum, it is our opinion that the federal equal protection clause would not prohibit the classification of all livestock as exempt from property taxation under an appropriate state constitutional amendment. We do, however, have doubts as to whether the establishment of "depreciable tangible personal property" as a class subject to taxation under the state constitution based on its "adjusted basis" as determined for federal income tax purposes, would satisfy the requirements of the federal equal protection clause. We are concerned that the establishment of such a classification may be deemed unreasonable or arbitrary, given the lack of relationship between remaining depreciable federal income tax basis and the "value" of property, and are concerned that property within the same class under state law would be treated unequally under such a method, given the disparate treatment of similarly situated or identical property which would result in the taxation of property if such a standard of valuation were adopted. Finally, we conclude that, while we have reservations as to the validity under the equal protection clause of the Fourteenth Amendment of employing the "adjusted basis" of depreciable tangible personal property as determined under the Internal Revenue Code of 1986, as amended, as a standard of value for property tax purposes, we do not believe that the equal protection clause precludes the state from establishing its own scheme of taxing personal property based on consideration of depreciation factors or allowances which are not based on the remaining depreciable federal income tax basis of property. Such action would, of course, require adoption of an appropriate state constitutional amendment, as well as statutes and regulations implementing such an amendment.[3]

[1] Moreover, as will be discussed more fully, infra, changes to the Internal Revenue Code adopted subsequent to the decision in McNeil (specifically, enactment of the Accelerated Cost Recovery System (ACRS) and the Modified Accelerated Cost Recovery System (MACRS)) have altered the previous useful-life depreciation system to provide for accelerated cost recovery over periods less than the useful lives of many assets. These systems were enacted by Congress as a means to stimulate capital investment and economic growth.

[2] We do not mean to suggest that the only method of valuation permissible is "actual value," the standard employed to value all property under present Nebraska law. If an appropriate state constitutional

amendment were adopted permitting the Legislature to classify and define the values of personal property for tax purposes, use of a standard of value taking into account an allowance for depreciation would not be impermissible. Our concern relates to the establishment of a class of "depreciable tangible personal property" subject to taxation at a standard based on the remaining federal income tax basis of such property as determined under the Internal Revenue Code of 1986, as amended, in view of the requirement imposed by the equal protection clause of the Fourteenth Amendment mandating equality of treatment of property within the same class under state law.

[3] Consistent with the scope of your questions, our conclusions are based solely on consideration of whether the amendments to state law (constitutional or statutory) you have proposed or discussed would satisfy the requirements of the equal protection clause of the Fourteenth Amendment. We caution that any proposed changes in property tax policy must take into account the affect of federal statutes prohibiting discriminatory taxation of the property of certain taxpayers. E.g. 49 U.S.C. § 11503 (railroad common carriers); 49 U.S.C. § 1513 (air carriers); 49 U.S.C. § 11503a (motor carriers).

Very truly yours,
DON STENBERG
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

cc: Patrick J. O'Donnell
7-294-7.10

STANDING COMMITTEE REPORTS
Nebraska Retirement Systems

LEGISLATIVE BILL 1001. Placed on General File as amended.
Standing Committee amendment to LB 1001:
AM2754

1. Strike original section 3.

2. On page 3, lines 5 and 11; page 6, line 4; page 18, lines 1 and 23; page 19, line 14; and page 20, line 6, strike "8" and insert "7".

3. On page 22, lines 13 and 15, strike "8" and insert "7"; and in line 18 strike "79-1044.01,".

4. Renumber the remaining sections accordingly.

(Signed) Arlene Nelson, Chairperson

Urban Affairs

LEGISLATIVE BILL 1036. Placed on General File as amended.
Standing Committee amendment to LB 1036:
AM2756

1. Strike the original sections and insert the following new section:

"Section 1. That section 31-769, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

31-769. (1) Whenever a majority of the board of trustees or the administrator of any sanitary and improvement district organized under the provisions of Chapter 31, article 7, ~~shall desire~~ desires that any property within the district shall be detached from the district, the trustees or the administrator shall first propose a resolution declaring the advisability of such detachment and setting out verbatim the terms and conditions thereof~~,~~ and also setting out the time and place when the board of trustees or the administrator shall meet to consider the adoption of such resolution. Notice of the time and place when such resolution shall be set for consideration shall be published the same day each week for two consecutive weeks in a newspaper of general circulation published in the county where the district was organized, which publication shall contain the entire wording of the proposed resolution. If any part of the district lies within the area of the zoning jurisdiction of any municipality, then the trustees or the administrator shall mail a copy of such proposed resolution to such municipality within five days after the date of first publication of such resolution. The last publication shall be not less than five days nor more than two weeks prior to the time set for hearing on objections to the passage of the resolution, at which hearing the owners of property within the district~~,~~ or any municipality if any part of such district lies within the area of its zoning jurisdiction, may appear and make objections to the proposed resolution. If the owners representing a majority of the area of real estate within the district fail to sign and present to the board of trustees or the administrator, on or prior to the hearing date, a written petition opposing the resolution, then a majority of the board of trustees or the administrator may pass the resolution and thereby adopt the proposed detachment, except ~~; PROVIDED,~~ that no such resolution shall be adopted if the district is then indebted on any outstanding bonds or warrants of the district unless the holders of such bonds and warrants shall all sign written consents to the detachment prior to the adoption of the resolution of detachment. If the petition opposing such resolution is signed by property owners representing a majority of the area of real estate within the district and presented to the board of trustees or to the administrator on or prior to the hearing date, then the board of trustees or the administrator shall not adopt such resolution. After the board of trustees or the administrator has adopted such resolution of detachment, the clerk of the district shall prepare and file a certified copy of such resolution of detachment in the office of the county clerk where the original articles of association were filed and in the office of the Secretary of State, and thereupon the area detached shall become excluded and detached from the boundaries of the district.

(2) The owner of a discrete tract of land which is part of a sanitary and improvement district but which is not connected to the main area of the district may petition the board of trustees or the administrator of the district to have the property detached from the district. Following the receipt of the petition, the board of trustees or the administrator shall propose a resolution declaring the advisability of such detachment and setting out verbatim the terms and conditions thereof and also setting out the time and place when the board of trustees or the administrator shall meet to consider the adoption of such resolution. Notice of the time and place for such consideration shall be published as provided in subsection (1) of this section. If any part of the district lies in whole or in part within the area of the zoning jurisdiction of any municipality, then the board of trustees or the administrator shall mail a copy of such proposed resolution to such

municipality within five days after the date of first publication of such resolution. At the hearing for consideration of such resolution, the board of trustees or the administrator shall determine if the tract of land proposed for detachment:

(a) Has an area of twenty-five acres or more;

(b) Is wholly detached from the main area of the sanitary and improvement district and separated from such district by a distance of at least one thousand feet at the nearest points;

(c) Is undeveloped and predominantly devoted to agricultural uses; and

(d) Has no improvements placed upon it by the sanitary and improvement district and receives no current services from the district.

If the administrator or the board of trustees by majority vote determines that the tract in question meets all of the conditions provided in subdivisions (a) through (d) of this subsection, the resolution shall be adopted, except that no such resolution shall be adopted if the district is then indebted on any outstanding bonds or warrants of the district, unless the holders of such bonds and warrants shall all sign written consents to the detachment. After the board of trustees or the administrator has adopted such resolution of detachment, the clerk of the district shall prepare and file a certified copy of such resolution of detachment in the office of the county clerk where the original articles of association were filed and in the office of the Secretary of State, and thereupon the area detached shall become excluded and detached from the boundaries of the district.

Sec. 2. That original section 31-769, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

LEGISLATIVE BILL 1087. Placed on General File as amended.
Standing Committee amendment to LB 1087:
AM2711

1. On page 2, line 23, after "(2)" insert "(a)".

2. On page 3, line 13, after the period insert:

"(b)".

3. On page 4, strike beginning with "taking" in line 6 through "section" in line 7, show as stricken, and insert "the city or village issuing the violator a traffic infraction citation".

(Signed) D. Paul Hartnett, Chairperson

ANNOUNCEMENT

Mr. Rogers designates LB 1138 as his priority bill.

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 6, 1992, at 10:05 a.m., were the following bills: 816, 869, and 870.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

SELECT FILE

LEGISLATIVE BILL 503. The pending Moore amendment, AM2391, was renewed.

Mr. Beyer moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Moore moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mr. Moore requested a roll call vote on his amendment.

Voting in the affirmative, 23:

Beyer
Conway
Coordsen
Crosby
Cudaback
Dierks
Elmer
Haberman
Hartnett
Hefner
Hillman
Lamb
Moore
Morrissey
Pirsch
Rogers
Schimek
Schmit
Schrock
Warner
Wehrbein
Wesely
Wickersham

Voting in the negative, 16:

Abboud
Ashford
Baack

Bernard-Stevens
Byars
Johnson, L.
Johnson, R.
Kristensen
Landis
Lindsay
Lynch
Peterson
Rasmussen
Robinson
Schellpeper
Will

Present and not voting, 4:

Beutler
Chambers
Nelson
Robak

Excused and not voting, 6:

Bohlke
Chizek
Hall
Horgan
Labedz
Withem

The Moore amendment lost with 23 ayes, 16 nays, 4 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Messrs. Haberman, Schmit, Warner, and Beutler asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Schellpeper offered the following amendment:
AM2358

(Amendments to Standing Committee amendments, AM0764)

1. Insert the following new sections:

"Sec. 4. (1) Prior to prescribing and employing the agents set forth in subsection (1) of section 3 of this act under the supervision of an ophthalmologist, an optometrist licensed in this state shall (a) submit to the Board of Examiners in Medicine and Surgery a fee of not less than twenty dollars nor more than one hundred dollars as determined by the department upon the recommendation of the board, together with evidence of satisfactory completion of a course of instruction of a minimum of forty-four hours since January 1, 1987, of which thirty-six hours is classroom education and eight hours is supervised clinical training as it applies to optometry with particular emphasis on the examination, diagnosis, and treatment of the eye and adnexa, offered by a school or college approved by the department and (b) passes an examination approved by the department.

(2) The department may approve for

certification, pursuant to subdivision (1)(a) of this section, a therapeutic course or courses of instruction from an institution accredited by a regional or professional accrediting organization which is recognized by the Council on Postsecondary Accreditation or the United States Department of Education that have been completed after January 1, 1987. Such course or courses shall include, but not be limited to:

(a) Diagnosis and treatment of diseases of the lid, lacrimal system, conjunctiva, sclera, and episclera;

(b) Diagnosis and treatment of anterior segment eye diseases;

(c) Diagnosis and treatment of glaucomas;

(d) Epidemiology and pathophysiology of primary and secondary glaucomas;

(e) Pharmacology of topical ocular and oral antiglaucoma agents;

(f) Indications for surgical treatment of glaucoma;

(g) Ocular and systemic emergencies;

(h) Medical management of glaucoma;

(i) Pharmacology of autonomic drugs, oral analgesics, oral anti-infective drugs, oral antihistamines, and oral steroids;

(j) Diagnosis and treatment of anterior and posterior uveitis;

(k) Diagnosis and management of systemic conditions affecting the eye;

(l) Laboratory testing in ocular and systemic disease;

(m) Management of in-office emergencies;

(n) Medical and legal considerations; and

(o) A clinical laboratory course, including optic nerve head evaluation, nerve fiber layer evaluation, gonioscopy, visual fields, anterior segment evaluation in secondary glaucoma, blood pressure measurement, carotid artery auscultation, biomicroscopy, anterior and posterior segment photography, fluorescein angiography, tonometry, visual field testing and interpretation, and prescription writing.

Sec. 5. There is hereby created the Ophthalmology-Optometry Advisory Committee which shall review and make recommendations to the Board of Examiners in Medicine and Surgery regarding all matters relating to subsections (4) and (7) of section 3 of this act that come before the board of examiners. The committee shall be directly responsible to the board of examiners. The committee shall be appointed within sixty days of the effective date of this act by the board of examiners and shall be composed of two optometrists, two ophthalmologists, and the Director of Health. All appointments shall be for four-year terms, at staggered intervals, as determined by the board of examiners. Reappointments shall be made by such board of examiners. The committee shall meet on a regular basis and committee members shall be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1177.".

2. On page 1, line 8, strike "section 3" and insert "sections 3, 4, and 5".

3. On page 4, line 5, strike "residing" and insert "who (a) resides" and strike "and" and insert "or a bordering state, (b) is"; in line 6 after "state" insert ", and (c) regularly sees patients within this state"; in line 8 strike "(a)"; and in line 9 strike "(b)".

4. On page 5, strike beginning with "is" in line 21 through line 23 and insert "has satisfactorily completed the requirements set forth in section 4 of this act and".

5. Renumber the remaining section accordingly.

Pending.

Mr. Byars moved to bracket LB 503 until February 18, 1992.

Mr. Byars moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

The Byars motion to bracket prevailed with 26 ayes, 5 nays, 9 present and not voting, and 9 excused and not voting.

ANNOUNCEMENT

The Urban Affairs Committee designates LB 1008 as its priority bill.

STANDING COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 941. Placed on General File.
LEGISLATIVE BILL 1093. Placed on General File.

(Signed) D. Paul Hartnett, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 978A. Introduced by Conway, 17.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 978, Ninety-second Legislature, Second Session, 1992.

SELECT FILE

LEGISLATIVE BILL 764. E & R amendment, AM5191, found in the Journal on page 327, was adopted.

Mr. Hartnett offered the following Withem amendment:
AM2488

1. Strike original section 6 and all amendments thereto and insert the following new sections:

"Section 1. That section 31-727.03, Revised Statutes Supplement, 1991, be amended to read as follows:

31-727.03. On or before December 31 of each year the clerk of each sanitary and improvement district shall file with the register of deeds or, if none, the county clerk of the county or counties in which the sanitary and improvement district is located a statement updated each December 31 containing the following information: (1) The names of the members of the current board of trustees of the district; (2) the names of the current attorney, accountant, and fiscal agent of the district; (3) the warrant and the bond principal indebtedness of the district as of the preceding

~~September~~ June 30. Such statement shall contain an acknowledgment that the warrant and indebtedness are reflective of such date; and (4) the current tax levy of the district as of December 31. For any late filing of the statement, the sanitary and improvement district shall be assessed a late fee of ten dollars per day, not to exceed a total of three hundred dollars for each late filing.

The real estate broker or salesperson or, if none, the owner shall distribute the most recent statement filed in accordance with this section to any prospective purchaser of any real estate located within a sanitary and improvement district. The statement shall be distributed on or before the date on which the purchaser becomes obligated to purchase such real estate. The exclusive remedy for failure to provide such statements shall be an action for damages, and any such failure shall not affect title to the real estate or the validity of the conveyance.

Sec. 2. That original section 31-735, Reissue Revised Statutes of Nebraska, 1943, and section 31-727.03, Revised Statutes Supplement, 1991, are repealed.".

2. Renumber the remaining sections accordingly.

The Withem amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Mr. Hartnett offered the following amendment:
AM2782

1. Insert the following new section:

"Sec. 2. That section 31-769, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

31-769. (1) Whenever a majority of the board of trustees or the administrator of any sanitary and improvement district organized under the provisions of Chapter 31, article 7, ~~shall desire~~ desires that any property within the district shall be detached from the district, the trustees or the administrator shall first propose a resolution declaring the advisability of such detachment and setting out verbatim the terms and conditions thereof~~;~~ and also setting out the time and place when the board of trustees or the administrator shall meet to consider the adoption of such resolution. Notice of the time and place when such resolution shall be set for consideration shall be published the same day each week for two consecutive weeks in a newspaper of general circulation published in the county where the district was organized, which publication shall contain the entire wording of the proposed resolution. If any part of the district lies within the area of the zoning jurisdiction of any municipality, then the trustees or the administrator shall mail a copy of such proposed resolution to such municipality within five days after the date of first publication of such resolution. The last publication shall be not less than five days nor more than two weeks prior to the time set for hearing on objections to the passage of the resolution, at which hearing the owners of property within the district~~;~~ or any municipality if any part of such district lies within the area of its zoning jurisdiction, may appear and make objections to the proposed resolution. If the owners representing a majority of the area of real estate within the district fail to sign and present to the board of trustees or the administrator, on or prior to the hearing date, a written petition opposing the resolution, then a majority of the board of trustees or the administrator may pass the resolution and thereby adopt the proposed detachment, except ~~; PROVIDED,~~ that no such resolution shall be adopted if the district is then indebted on any outstanding bonds or warrants of the district unless the holders of such bonds and warrants shall all sign written consents to the detachment prior to the adoption of the resolution of detachment. If the petition opposing such resolution is signed by property owners representing a majority of the area of real estate within the district and presented to the board of trustees or to the administrator on or prior to the hearing date, then the board of trustees or the administrator shall not adopt such resolution. After the board of trustees or the administrator has adopted such resolution of detachment, the clerk of the district shall prepare and file a certified copy of such resolution of detachment in the office of the county clerk where the original articles of association were filed and in the office of the Secretary of State, and thereupon the area detached shall become excluded and detached from the boundaries of the district.

(2) The owner of a discrete tract of land which is part of a sanitary and improvement district but which is not connected to the main area of the district may petition the board of trustees or the administrator of the district to have the property detached from the district. Following the receipt of the petition, the board of trustees or the administrator shall propose a resolution declaring the advisability of such detachment and setting out verbatim the terms and conditions thereof and also setting out the time and place when the board of trustees or the administrator shall meet to consider the adoption of such resolution. Notice of the time and place for such consideration shall be published as provided in subsection (1) of this section. If any part of the district lies in whole or in part within the area of the zoning jurisdiction of any municipality, then the board of trustees or the administrator shall mail a copy of such proposed resolution to such municipality within five days after the date of first publication of such resolution. At the hearing for consideration of such resolution, the board of trustees or the administrator shall determine if the tract of land proposed for detachment:

(a) Has an area of twenty-five acres or more;

(b) Is wholly detached from the main area of the sanitary and improvement district and separated from such district by a distance of at least one thousand feet at the nearest points;

(c) Is undeveloped and predominantly devoted to agricultural uses; and

(d) Has no improvements placed upon it by the sanitary and improvement district and receives no current services from the district.

If the administrator or the board of trustees by majority vote determines that the tract in question meets all of the conditions provided in subdivisions (a) through (d) of this subsection, the resolution shall be adopted, except that no such resolution shall be adopted if the district is then indebted on any outstanding bonds or warrants of the district, unless the holders of such bonds and warrants shall all sign written consents to the detachment. After the board of trustees or the administrator has adopted such resolution of detachment, the clerk of the district shall prepare and file a certified copy of such resolution of detachment in the office of the county clerk where the original articles of association were filed and in the office of the Secretary of State, and thereupon the area detached shall become excluded and detached from the boundaries of the district.".

2. On page 14, line 15, strike "31-723,"; and in line 16 strike "31-733," and strike "31-739" and insert "31-769".

3. In the Standing Committee amendments, AM0778, strike amendment 5.

4. Renumber the remaining sections accordingly.

The Hartnett amendment was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 948. E & R amendment, AM5237, found in the Journal on page 642, was adopted.

Mr. Schrock offered the following amendment:
AM2680

1. Insert the following new section:

"Sec. 2. This act shall terminate on April 1, 1994.".

2. Renumber the remaining section accordingly.

The Schrock amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Messrs. Lindsay, Wesely, and Mrs. Nelson asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for engrossment.

GENERAL FILE

LEGISLATIVE BILL 291. Mr. Hall withdrew his pending amendment, AM2671, found in the Journal on page 616.

Mr. Hall renewed his pending amendment, AM2673, found in the Journal on page 616, to the Standing Committee amendment.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Conway asked unanimous consent to print the following amendment to LB 977 in the Journal. No objections. So ordered.

AM2693

(Amendments to Standing Committee amendments, AM2675)

1. Insert the following new amendment: "2. On page 6, line 25, strike 'signing', show as stricken, and insert 'initialing'.".

2. On page 6, line 12, strike "and 9" and insert ", 9, 11, and 12".

3. Renumber the remaining amendments accordingly.

STANDING COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 1168. Placed on General File.

LEGISLATIVE BILL 1105. Placed on General File as amended.
Standing Committee amendment to LB 1105:
AM2757

1. On page 3, line 17, after the period insert "Each job title published shall be descriptive and indicative of the duties and functions of the position.".

(Signed) D. Paul Hartnett, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1113A. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1113, Ninety-second Legislature, Second Session, 1992.

VISITORS

Visitors to the Chamber were Keith Ellis; 50 students and teacher from Westside, Omaha; Jim, Connie, Dustin, and Joshua Green; Mr. and Mrs. Dean Wilkerson and Mr. and Mrs. Don Heitman from Coleridge; and 75 students and sponsor from Cathedral of the Risen Christ, Lincoln.

ADJOURNMENT

At 11:51 a.m., on a motion by Speaker Baack, the Legislature adjourned until 8:30 a.m., Friday, February 7, 1992.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-SECOND DAY - FEBRUARY 7, 1992

LEGISLATIVE JOURNAL

NINETY-SECOND LEGISLATURE
SECOND SESSION

TWENTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 7, 1992

Pursuant to adjournment, the Legislature met at 8:32 a.m., President Moul presiding.

PRAYER

The prayer was offered by Father Gnirk, President, Roncalli High School, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Rasmussen, Messrs. Landis, and Withem who were excused; and Messrs. Abboud, Ashford, Bernard-Stevens, Beyer, Chambers, Chizek, Conway, Coordsen, Dierks, Hall, Horgan, R. Johnson, Lindsay, Morrissey, Rogers, Schmit, Wesely, Mmes. Bohlke, and Hillman who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-first day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Reengrossed

The following bill was correctly reengrossed: 312.

Correctly Engrossed

The following bills were correctly engrossed: 49, 434, 435, 560, 643, 757, and 758.

(Signed) Eric Will, Chairperson

Enrollment and Review Change to LB 312

The following changes, required to be reported for publication in the Journal, have been made:

ER7140

1. The Beutler amendment, AM2414, which was drafted to the E & R amendment, has been incorporated into the Final Reading copy.

Enrollment and Review Change to LB 757

The following changes, required to be reported for publication in the Journal, have been made:

ER7139

1. In the Landis amendment, AM2322:

a. On page 8, lines 9, 14, and 22, paragraphing has been inserted before the left parenthesis; in line 11 "any" has been struck; in line 13 the comma has been struck and shown as stricken; in line 14 "in" has been struck, shown as stricken, and "In" inserted; and in line 22 "any" has been struck, shown as stricken, and "Any" inserted;

b. On page 9, line 2, paragraphing has been inserted after the period; and

c. On page 13, line 20; and page 15, line 21, the new matter has been struck and the stricken matter reinstated.

2. In the E & R amendments, AM5221:

a. On page 1, line 18, "a" has been inserted after the first comma; and

b. Amendments 1. b., c., and d. and 2. have been struck and the remaining amendment renumbered accordingly.

3. On page 1, lines 2 through 5 have been struck and "sections 2-3227, 8-108, 8-157, 8-319, 8-320, 8-342, 8-343, 8-346, 8-356, 8-385, 8-602, 8-1515, 12-1102, 12-1107, 15-847, 15-849, 16-713, 16-715, 17-607, 21-1777, 30-3209, 43-2202, 72-1262, 72-1268.03, 72-1268.05, 77-2318, 77-2340, 77-2344, 77-2345, 77-2352, 77-2355, 77-2362, and 77-2366, Reissue Revised Statutes of Nebraska, 1943; to redefine terms; to change and eliminate references to the Federal Savings and Loan Insurance Corporation; to" inserted; and in line 13 "and services" has been struck.

(Signed) Mary E. Sommermeyer

E & R Attorney

ATTORNEY GENERAL'S OPINION

Opinion No. 92016

DATE:	February 4, 1992
SUBJECT:	Constitutionality of LB 529, a bill which would impose an income tax on campaign contributions for political campaigns.
REQUESTED BY:	Senator Dennis Byars
WRITTEN BY:	Don Stenberg, Attorney General Dale A. Comer, Assistant Attorney General

LB 529 would establish the Campaign Committee Income Tax Act. Among other things, the bill would impose an income tax on the income received by the campaign committees of various candidates for political office at a rate of 80 per cent over a specified, exempted floor amount. For example, any sums raised by a campaign committee for a candidate for governor exceeding one million dollars would be taxed at 80 per cent under the bill. (Proposed amendments would lower that tax rate to 50 per cent.) Presumably, the impetus for LB 529 is the Legislature's finding, set out in Section 2 of the bill, that "...the rapid growth of spending for election campaigns is a concern for the citizens of the state and impairs the ability of qualified candidates to run for office." You have now requested our opinion "...on the constitutionality of LB 529." For the reasons discussed below, we believe there are constitutional problems with the legislation.

At the outset, we must note, as we have done frequently in the past, that an opinion request on the general constitutionality of a legislative bill will necessarily result in a general response from this office. In essence, you have simply asked us if LB 529 is constitutional, without any indication of what specific portions of our state or federal constitutions you might believe are implicated. Such an opinion request requires us to make a general response, and, as a result, we may not address the issues which led to your inquiry.

The landmark case in the area of governmental limitations on campaign spending by candidates for political office is the decision of the United States Supreme Court in Buckley v. Valeo, 424 U.S. 1 (1976). In that case, the Supreme Court considered the constitutionality of the Federal Election

Campaign Act. That federal legislation placed limits on the amounts individuals and groups could contribute to candidates for federal elective office, and placed limits on the amounts of campaign expenditures by candidates for federal elective office.

The Court began its constitutional analysis of the federal legislation by noting that campaigns for political office involve free speech rights and rights of political association which are both fundamental interests protected by the First Amendment to the United States Constitution. Id. at 14, 15. Limitations on the amount that any one person or group may contribute to a political campaign entail "...only a marginal restriction upon the contributor's ability to engage in free communication." Id. at 20, 21. On the other hand, expenditure limitations upon candidates represent "...substantial...restraints on the quantity and diversity of political speech." Id. at 19. The Court went on to hold that the limits on campaign contributions in the act were constitutional, while the limits on campaign expenditures were unconstitutional as a violation of the First Amendment. In the course of its opinion, the Court noted that the expenditure limits in the federal act were designed primarily to reduce "...the allegedly skyrocketing costs of political campaigns." Id. at 57. With respect to such a legislative purpose, the Court stated:

> ...the mere growth in the cost of federal election campaigns in and of itself provides no basis for governmental restrictions on the quantity of campaign spending and the resulting limitation on the scope of federal campaigns. The First Amendment denies government the power to determine that spending to promote one's political views is wasteful, excessive, or unwise.

Id. at 57.

The Buckley case focused on federal legislation which directly limited the amount of campaign expenditures by candidates for federal elective office. Obviously, LB 529 does not involve such a direct limitation. Instead, it creates an income tax which would tax campaign committee income over specified amounts at a flat rate of 80 per cent. While LB 529 is thus distinguishable from the legislation at issue in Buckley, we do not believe that the distinction involved is dispositive.

It is clear that the power to tax the exercise of a privilege is the power to control or suppress its enjoyment. Follett v. Town of McCormick, 321 U.S. 573 (1944); Murdock v. Commonwealth of Pennsylvania, 319 U.S. 105 (1943). Moreover, a tax that burdens rights protected by the First Amendment cannot stand unless the burden of the tax is necessary to achieve an overriding governmental interest. Minneapolis Star v. Minnesota Commission of Revenue, 460 U.S. 575 (1983). Our state supreme court has also indicated that the Legislature cannot circumvent an express provision of the Constitution by doing indirectly what the

Constitution prohibits it from doing directly. Rock County v. Spire, 235 Neb. 434, 455 N.W.2d 763 (1990).

It appears to us that it is quite probable that a court would hold that LB 529 is an unconstitutional limitation on campaign expenditures under the First Amendment analysis set out in the Buckley case. While the bill would not limit campaign expenditures directly, the tax created by its provisions is not general in nature and would have the effect of restricting the quantity of campaign spending and the scope of future political campaigns. More importantly, as noted above, Sec. 2 of the bill expressly indicates that the concern underlying the legislation is the "rapid growth of spending for election campaigns," and we must assume that the purpose of the bill is to reduce that growth in spending through the mechanism of the income tax imposed. The Supreme Court in Buckley specifically rejected such a governmental purpose as insufficient to override the protected First Amendment interests involved in political campaigns. Finally, when all facets of LB 529 are considered, it seems quite plausible to argue that the legislation is simply an attempt by the Legislature to indirectly limit campaign spending in political campaigns, something it cannot do directly under Buckley. For all of these various reasons, we believe that a court would likely hold LB 529 unconstitutional.

Sincerely yours,
DON STENBERG
Attorney General
(Signed) Dale A. Comer
Assistant Attorney General

REPORT

Received report from the Department of Roads on the Price Index of Highway Construction Costs for the State of Nebraska.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 871. With Emergency.

A BILL FOR AN ACT relating to sales and use tax; to amend sections 9-306.01, 77-2705, 77-2713, 77-27,119.03, and 77-27,147, Reissue Revised Statutes of Nebraska, 1943, and sections 66-642, 77-2701, 77-2703, and 77-2711, Revised Statutes Supplement, 1991; to restate definitions and a penalty; to restate exemptions from the tax; to correct internal references; to eliminate definitions, exemptions, and a penalty provision; to harmonize provisions; to repeal the original sections, and also sections 77-2702.01 and 77-2704.01, Reissue Revised Statutes of Nebraska, 1943, and sections 77-2702, 77-2702.02, and 77-2704, Revised Statutes Supplement, 1991; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 33:

Ashford
Baack
Beutler
Beyer
Byars
Conway
Coordsen
Crosby
Cudaback
Elmer
Haberman
Hartnett
Hillman
Johnson, L.
Kristensen
Labedz
Lamb
Lynch
Moore
Nelson
Peterson
Pirsch
Robak
Robinson
Schellpeper
Schimek
Schmit
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will

Voting in the negative, 0.

Present and not voting, 1:

Hefner

Excused and not voting, 15:

Abboud
Bernard-Stevens
Bohlke
Chambers
Chizek
Dierks
Hall
Horgan
Johnson, R.
Landis
Lindsay
Morrissey
Rasmussen
Rogers
Withem

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 398.

A BILL FOR AN ACT relating to county agricultural societies and fairs; to amend sections 2-203.06, 2-219, 2-220.01, and 2-229, Reissue Revised Statutes of Nebraska, 1943; to require compliance with the Records Management Act and provisions regarding open meetings; to provide that the budget shall be subject to annual review and audit as prescribed; to require votes to be cast personally and not by proxy; to limit the tax levy for capital construction and other work as prescribed; to change provisions relating to activities prohibited during fairs; to change a provision on security required of carnival companies, booking agencies, and shows; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 35:

Ashford
Baack
Beutler
Beyer
Byars
Conway
Coordsen
Crosby
Cudaback
Elmer
Haberman
Hartnett
Hillman
Johnson, L.
Kristensen
Labedz
Lamb
Lindsay
Lynch
Moore
Morrissey
Nelson
Peterson
Pirsch
Robak
Robinson
Schellpeper
Schimek
Schmit
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will

Voting in the negative, 0.

Present and not voting, 1:

Hefner

Excused and not voting, 13:

Abboud
Bernard-Stevens
Bohlke
Chambers
Chizek
Dierks
Hall
Horgan
Johnson, R.
Landis
Rasmussen
Rogers
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 523.

A BILL FOR AN ACT relating to criminal procedure; to amend section 81-1850, Revised Statutes Supplement, 1991; to adopt the Convicted Sex Offender Act; to harmonize provisions; to eliminate provisions relating to evaluation of persons convicted of certain crimes, treatment of mentally disordered sex offenders, and the Sentencing Review Committee; to provide severability; and to repeal the original section, and also sections 29-2911 to 29-2914, 29-2916, 29-2917, 29-2919 to 29-2921, and 83-1081, Reissue Revised Statutes of Nebraska, 1943, and sections 29-2915 and 29-2918, Revised Statutes Supplement, 1990.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Ashford
Baack
Beyer
Bohlke
Byars
Conway
Coordsen
Crosby
Elmer
Haberman
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Kristensen
Labedz
Lamb
Lindsay
Lynch
Moore
Morrissey
Nelson
Peterson
Pirsch
Robak
Robinson
Schellpeper
Schimek
Schmit
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will

Voting in the negative, 1:

Beutler

Present and not voting, 1:

Cudaback

Excused and not voting, 11:

Abboud
Bernard-Stevens
Chambers
Chizek
Dierks
Hall
Johnson, R.
Landis
Rasmussen
Rogers
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 682.

A BILL FOR AN ACT relating to judges retirement; to amend section 24-701, 24-703, and 24-710, Revised Statutes Supplement, 1991; to redefine a term; to change provisions relating to monthly payment for a retirement annuity; to require contributions and authorize a purchase of service credit as prescribed; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Abboud
Ashford
Baack
Bernard-Stevens
Beyer
Bohlke
Conway
Coordsen
Crosby
Cudaback
Elmer
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Kristensen
Labedz
Lamb
Lindsay
Lynch
Moore
Morrissey
Nelson
Peterson
Pirsch
Robak
Robinson
Schellpeper
Schimek
Schmit
Schrock
Wehrbein
Wesely
Wickersham
Will

Voting in the negative, 1:

Haberman

Present and not voting, 3:

Beutler
Byars
Warner

Excused and not voting, 9:

Chambers
Chizek
Dierks
Hall
Johnson, R.
Landis
Rasmussen
Rogers
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LR 9CA to Select File

Mr. Wesely moved to return LR 9CA to Select File for the following specific amendment:
FA259
Strike the enacting clause.

Mr. Wesely withdrew his motion to return.

RESOLUTION ON FINAL READING

The following resolution was read and put upon final passage:

LEGISLATIVE RESOLUTION 9CA.

A Resolution to propose an amendment to the Constitution of Nebraska by adding a new section 19 to Article XV.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the general election in November 1992 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska by adding a new section 19 to Article XV, which is hereby proposed by the Legislature:

CXV-19 "Notwithstanding any other provision of this Constitution, the governing bodies of municipalities and counties are empowered to approve, deny, suspend, cancel, or revoke retail and bottle club liquor licenses within their jurisdictions as authorized by the Legislature.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"A constitutional amendment to authorize governing bodies of municipalities and counties to approve, deny, suspend, cancel, or revoke retail and bottle club liquor licenses within their jurisdictions as authorized by the Legislature.

For

Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the resolution pass?' "

Voting in the affirmative, 34:

Abboud	Beyer	Coordsen	Elmer	Hefner
Ashford	Bohlke	Crosby	Haberman	Hillman
Beutler	Byars	Cudaback	Hartnett	Horgan

Johnson, L.
Johnson, R.
Kristensen
Labedz
Lamb
Lindsay
Lynch
Morrissey
Nelson
Peterson
Pirsch
Robinson
Schellpeper
Schimek
Schrock
Warner
Wehrbein
Wesely
Wickersham

Voting in the negative, 7:

Baack
Bernard-Stevens
Conway
Moore
Robak
Schmit
Will

Excused and not voting, 8:

Chambers
Chizek
Dierks
Hall
Landis
Rasmussen
Rogers
Withem

A constitutional three-fifths majority having voted in the affirmative, the resolution was declared passed for the general election.

ANNOUNCEMENT

The Chair announced Sunday is Senator Morrissey's birthday.

NOTICE OF COMMITTEE HEARING
Banking, Commerce and Insurance

Governor Appointment Monday, February 24, 1992 1:30 p.m.
Dennis Jorgensen - Nebraska Investment Council

(Signed) David Landis, Chairperson

GENERAL FILE

LEGISLATIVE BILL 921. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 976. Title read. Considered.

Mr. Moore offered the following amendment:
AM2491

1. Insert the following new section:

"Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

The Moore amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 899. Title read. Considered.

Mr. Lamb offered the following amendment:
FA260
Pg 4
Strike after period in line 19 to the period in line 24

Pending.

Mr. Conway asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 907. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills and resolution: LBs 871, 398, 523, 682, and LR 9CA.

GENERAL FILE

LEGISLATIVE BILL 369. Title read. Considered.

Advanced to E & R for review with 25 ayes, 1 nay, 16 present and not voting, and 7 excused and not voting.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 928. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 933. Title read. Considered.

Mr. Lynch offered the following amendment:
AM2817

1. On page 2, line 23, after "(2)" insert "(a)".

2. On page 3, line 13, after the period insert:

"(b)".

3. On page 4, line 10, strike "may", show as stricken, and insert "shall not"; and in line 13 strike beginning with "taking" through "section", show as stricken, and insert "the city or village issuing the violator a traffic infraction citation".

The Lynch amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 950. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 982. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 982A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 1004. Title read. Considered.

SPEAKER BAACK PRESIDING

Advanced to E & R for review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 906. Title read. Considered.

Mr. Dierks offered the following amendment:
AM2811
1. On page 2, line 3, strike "An" and insert "Only an".

Mr. Dierks withdrew his pending amendment.

Advanced to E & R for review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

PRESIDENT MOUL PRESIDING

LEGISLATIVE BILL 971. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 1011. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 1115. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 984. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 985. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Mr. Wehrbein asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 877. Title read. Considered.

Mr. Bernard-Stevens asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 877A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 878. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 879. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 999. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 1000. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 934. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Mr. Moore asked unanimous consent to be excused until he returns. No objections. So ordered.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 988. Placed on General File.

(Signed) Gerald Conway, Chairperson

General Affairs

LEGISLATIVE BILL 1137. Placed on General File as amended.
Standing Committee amendment to LB 1137:
AM2721

1. On page 3, line 18, strike "an" and insert "a written".

2. On page 4, line 3, after "organization" insert "and receiving organization"; and in line 4 after "file" insert "a copy of the written agreement and".

(Signed) Stan Schellpeper, Chairperson

NOTICE OF COMMITTEE HEARINGS
Health and Human Services

LB 1282	Wednesday, February 19, 1992	1:30 p.m.
LB 1076	Thursday, February 20, 1992	1:30 p.m.
LB 1077	Thursday, February 20, 1992	1:30 p.m.
LB 1078	Thursday, February 20, 1992	1:30 p.m.
LB 1079	Thursday, February 20, 1992	1:30 p.m.
LB 1080	Thursday, February 20, 1992	1:30 p.m.
LB 1169	Friday, February 21, 1992	1:30 p.m.
LB 1017	Friday, February 21, 1992	1:30 p.m.

(Signed) Don Wesely, Chairperson

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of February 6, 1992. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Daley, John - Omaha	Greater Nebraska Detective Association
Harding, Mary A. - Firth	Save Boyd County Association
Milbourn, Steven J. - Grand Island	Eds Used Cars
Moody, Randall - Lincoln	Group for Free Enterprise
Pappas, James E. - Lincoln	Nebraska State Irrigation Association
Remington, S. June - Lincoln	Nebraska Chapter of National Association of Social Workers
Scudder Law Firm, P.C. Hutchinson, Paula Belford - Lincoln	Scudder Law Firm, P.C. (Withdrawn 92/01/31) Southeast Community College (Withdrawn 92/01/31)
Tooker, Norman E. - Ralston	Nebraska State Grange
Watson, Carol S. - Lincoln	Lincoln Benefit Life Company

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 7, 1992, at 10:20 a.m., were the following bills: 871, 398, 523, and 682.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

PRESENTED TO THE SECRETARY OF STATE

Presented to the Secretary of State on February 7, 1992, at 10:25 a.m., was the following resolution: LR 9CA.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

UNANIMOUS CONSENT - Print in Journal

Mr. Bernard-Stevens asked unanimous consent to print the following amendment to LB 291 in the Journal. No objections. So ordered.

AM2786

(Amendments to Standing Committee amendments, AM2314)

1. On page 22, line 17, after "person" insert "under twenty-one years of age"; in line 18 after "of" insert "a crime and upon conviction shall be punished as follows:

(a) If such person (i) has not had a prior conviction under this section or (ii) has not been convicted under a city or village ordinance enacted pursuant to this section, such person shall be required to attend, for at least three months, an alcohol or drug treatment program; and

(b) If such person (i) has had a conviction under this section or (ii) has been convicted under a city or village ordinance enacted pursuant to this section, such person shall be guilty of"; in line 20 after the third period insert paragraphing; and after line 23 insert the following new subsection:

"(3) Any city or village may enact ordinances in conformance with this section. Upon conviction of a person of a violation of such a city or village ordinance, the provisions of this section shall be applicable the same as though it were a violation of this section.".

Mr. Wesely asked unanimous consent to print the following amendment to LB 823 in the Journal. No objections. So ordered.

AM2795

(Amendments to E & R amendments, AM5211)

1. Insert the following new section:

"Sec. 3. Any person who buys, sells, or disposes of a child or attempts or facilitates the buying, selling, or disposing of a child for or in consideration of money or any other thing of value shall be guilty of a Class IV felony, except that this section shall not prohibit any person, agency, or corporation from paying the actual and reasonable legal, maternity, related medical or hospital, and necessary living expenses of the mother preceding and during confinement if payment is not made for the purpose of inducing the mother, another parent, or a legal guardian to place the child for adoption, consent to an adoption, or cooperate in the completion of an adoption.".

2. Renumber the remaining section accordingly.

GENERAL FILE

LEGISLATIVE BILL 965. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 759. Title read. Considered.

Standing Committee amendment, AM0159, found in the Journal on page 949, First Session, 1991, was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 175. Title read. Considered.

Standing Committee amendment, AM0649, found in the Journal on page 1036, First Session, 1991, was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 664. Title read. Considered.

Standing Committee amendment, AM0706, found in the Journal on page 1087, First Session, 1991, was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 787. Title read. Considered.

Standing Committee amendment, AM0644, found in the Journal on page 1089, First Session, 1991, was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 710. Title read. Considered.

Standing Committee amendment, AM0740, found in the Journal on page 1105, First Session, 1991, was adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

Advanced to E & R for review with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 473. Title read. Considered.

Standing Committee amendment, AM0538, found in the Journal on page 1124, First Session, 1991, was adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

Advanced to E & R for review with 25 ayes, 1 nay, 15 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 272. Title read. Considered.

Standing Committee amendment, AM0703, found in the Journal on page 1152, First Session, 1991, was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

UNANIMOUS CONSENT - Add Cointroducer

Mr. Schellpeper asked unanimous consent to have his name added as cointroducer to LB 371. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Beutler asked unanimous consent to print the following amendment to LB 306 in the Journal. No objections. So ordered.

AM2820

1. On page 4, line 6, after the comma insert "is presumed to be in hydrologic contact with the stream

unless the director finds by a preponderance of the evidence that such hydrologic contact does not exist. Such ground water"; in line 7 strike "further" and strike "recovery and" and insert "public water supplies pursuant to sections 46-2,107 to 46-2,119."; and strike lines 8 through 14.

2. On page 9, line 15, strike "or (4)".

STANDING COMMITTEE REPORTS

General Affairs

LEGISLATIVE BILL 1130. Placed on General File.
LEGISLATIVE BILL 1131. Placed on General File.

(Signed) Stan Schellpeper, Chairperson

VISITORS

Visitors to the Chamber were Heather Esau from Tri-County High School and Bob and Barb Esau.

ADJOURNMENT

At 12:02 p.m., on a motion by Speaker Baack, the Legislature adjourned until 9:00 a.m., Monday, February 10, 1992.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-THIRD DAY - FEBRUARY 10, 1992

LEGISLATIVE JOURNAL

TWENTY-THIRD DAY - FEBRUARY 10, 1992

LEGISLATIVE JOURNAL

NINETY-SECOND LEGISLATURE
SECOND SESSION

TWENTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 10, 1992

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Baack presiding.

PRAYER

The prayer was offered by Pastor Dana Olson, Trinity Baptist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Conway, Dierks, Haberman, Hall, R. Johnson, Lindsay, Morrissey, Schmit, and Mrs. Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-second day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 764 and 948.

(Signed) Eric Will, Chairperson

Enrollment and Review Change to LB 764

The following changes, required to be reported for publication in the Journal, have been made:
ER7142

1. In the Hartnett amendment, AM2782:

a. Section 2 has been renumbered as section 3;

b. On page 1, lines 9 and 16; and page 2, line 23, "shall" has been struck and shown as stricken;

c. On page 1, line 15, "shall" has been struck, shown as stricken, and "will" inserted; and in line 17 the first "be" has been struck, shown as stricken, and "is" inserted;

d. On page 2, line 9, the stricken comma has been reinstated;

e. On page 3, line 20, the first "the" has been struck;

f. On page 4, line 1, "shall" has been struck and "will" inserted;

g. On page 5, line 6, the comma has been struck; and in line 7, "shall" has been struck; and

h. Amendment 2 has been struck.

2. In the Withem amendment, AM2488:

a. Section 2 has been renumbered as section 4;

b. On page 1, line 8, an underscored comma has been inserted after "year"; in lines 13, 14, 16, and 20 paragraphing has been inserted before the left parenthesis; in lines 14 and 16 the second "the" has been struck, shown as stricken, and "The" inserted; in line 20 "the" has been struck, shown as stricken, and "The" inserted; and in line 21 paragraphing has been inserted before "For"; and

c. On page 2, line 16, "section 31-735" has been struck and "sections 31-735 and 31-769" inserted.

3. On page 1, the matter beginning with "to" in line 2 through line 13 and all amendments thereto have been struck and "to amend sections 31-735 and 31-769, Reissue Revised Statutes of Nebraska, 1943, and section 31-727.03, Revised Statutes Supplement, 1991; to change the contents of a statement which is required to be filed; to change election procedures; to authorize detachment of certain property; to repeal the original sections; and to declare an emergency." inserted.

Enrollment and Review Change to LB 948

The following changes, required to be reported for publication in the Journal, have been made:
ER7141

1. On page 1, line 4, "to provide a termination date;" has been inserted after the semicolon.

(Signed) Mary E. Sommermeyer
E & R Attorney

LEGISLATIVE BILL 921. Placed on Select File.

LEGISLATIVE BILL 976. Placed on Select File as amended.
E & R amendment to LB 976:
AM5239

1. On page 1, line 5, strike "and"; and in line 6 after "section" insert "; and to declare an emergency".

(Signed) Eric Will, Chairperson

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 1187. Placed on General File as amended.
Standing Committee amendment to LB 1187:
AM2774

1. On page 3, strike beginning with "Automatic" in line 12 through the period in line 16.

2. On page 13, line 13, after "machines" insert "or if there are no fees charged between affiliate financial institutions for the use of automatic teller machines".

3. On page 18, line 1, strike "shall" and insert "may".

4. On page 24, line 17, strike "banks", show as stricken, and insert "financial institutions" and after line 17 insert the following new subsection:

"(16) Nothing in this section shall require federally chartered financial institutions to obtain the approval of the director for the establishment of any automatic teller machine.".

LEGISLATIVE BILL 1215. Placed on General File as amended. (Standing Committee amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM2771.)

LEGISLATIVE BILL 1259. Indefinitely postponed.

(Signed) David Landis, Chairperson

General Affairs

LEGISLATIVE BILL 1061. Placed on General File as amended.
Standing Committee amendment to LB 1061:
AM2781

1. Insert the following new sections:

"Sec. 2. That section 2-1208, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-1208. (1) For race meetings devoted principally to running races~~;~~ every corporation or association licensed under the provisions of sections 2-1201 to 2-1218 shall pay the tax imposed by section 2-1208.01 and shall also pay to the State Racing Commission the sum of thirty cents for each person entering the grounds or enclosure of the licensee upon a ticket of admission. If tickets are issued good for more than one day, then the sum of thirty cents shall be paid for each person using such ticket on each day that the same is used; and if any free passes or complimentary admission tickets ~~shall be~~ are issued, the licensee shall pay the same tax upon such passes or complimentary tickets as if the same were sold at the regular and usual admission rate, but nothing ~~herein~~ in this section shall be construed to prohibit the issuance of tax-free passes to actual and necessary officials and employees of the licensee or other persons actually working at such racetrack. The ~~; PROVIDED, that the~~ issuance of all such tax-free passes shall be under the regulations or orders of the commission, and a list of all persons to whom such tax-free passes are issued shall be filed with the commission.

(2) For race meetings devoted principally to running races, the licensee shall pay to the commission the sum of four hundred dollars for each racing day of each horserace meeting if the racetrack within which such races are conducted is located in a county of ~~two~~ three hundred thousand population or more. In ~~, in~~ counties of more than ~~seventy-five~~ forty thousand but less than ~~two~~ three hundred thousand population, the licensee shall pay to the commission for each racing day the sum of one hundred dollars. In ~~, and in~~ counties of

not more than ~~seventy-five~~ forty thousand population, the licensee shall pay to the commission for each racing day the sum of ~~thirty~~ fifty dollars.

(3) For race meetings devoted exclusively to harness races or at which the majority of the races conducted each day are harness races, ~~every corporation or association licensed under the provisions of sections 2-1201 to 2-1218~~ the licensee shall pay to the ~~State Racing Commission~~ commission, for each racing day of each ~~horserace~~ race meeting for which a license ~~shall have been~~ is issued, license fees in the amount of only one-fourth of the daily fees ~~respectively hereinbefore~~ as prescribed in this section for running race meetings~~,~~ graduated ~~as aforesaid~~ in accordance with the population of the county in which the race meeting is conducted.

(4) No other license tax, permit tax, occupation tax, or excise tax, or racing fee, except as provided in this section and in sections 2-1203 and 2-1208.01, shall be levied, assessed, or collected from any such licensee by the state or by any county, township, district, city, village, or any other governmental subdivision or body having power to levy, assess, or collect any such tax or fee.

Sec. 3. Any money in the Track Distribution Fund not distributed in the year of collection shall be distributed pursuant to section 2-1209.

Sec. 4. That section 2-1208.04, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-1208.04. (1) Racetracks shall separately account for their gross exotic daily receipts. For all meets commencing after January 1, 1987, any racetrack that had for its previous race meet a total parimutuel handle of less than fifty million dollars shall withhold an amount equal to one-half of one percent of such receipts, and any racetrack that had for its previous race meet a total parimutuel handle of fifty million dollars or more shall withhold an amount equal to one percent of such receipts. Such amount withheld shall be paid to the State Racing Commission on the last day of each month during each race meeting for deposit in the Track Distribution Fund, which fund is hereby created.

(2) The Track Distribution Fund shall be

distributed as follows:

(a) ~~Fifteen~~ Twenty-five percent of the fund shall be distributed monthly to ~~recipient racetracks which conduct wagering by the parimutuel method on quarterhorse racing. Such racetracks shall receive the percentage of the fifteen percent which the total number of days of horseraces run at such racetrack in the year of distribution bears to the total number of days of horseraces run at all such racetracks in the year of distribution~~ the commission to be used for the expenses of the commission; and

(b) ~~Eighty-five~~ Seventy-five percent of the fund shall be distributed monthly to recipient racetracks which conduct wagering by the parimutuel method on thoroughbred horseracing. Such racetracks shall receive the percentage of the ~~eighty-five~~ seventy-five percent which the total number of days of horseraces run at such racetrack in the year of distribution bears to the total number of days of horseraces run at all such racetracks in the year of distribution.

For purposes of this section, distribution for any recipient racetrack racing fewer than thirty days shall be based on a minimum of thirty days and any racetrack racing more than thirty-five days shall be based on a maximum of thirty-five days of racing. One-half of the amount received by a racetrack shall be used to supplement purses at the track.

(3) Any money in the Track Distribution Fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to ~~72-1269~~ 72-1276.

(4) The assessment required by this section shall be in addition to the assessments, taxes, and fees required by Chapter 2, article 12.

Sec. 5. That section 2-1209, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-1209. Out of the funds received pursuant to section 2-1208 the expenses of the commissioners, the compensation of the secretary, assistants, and employees and their reasonable expenses~~;~~ and the other reasonable expenses of the ~~commission~~ State Racing Commission, including suitable furniture, equipment, supplies, and office expense, shall first be paid, and the commission shall retain ~~in its hands~~ the further sum of ~~five thousand dollars~~ ten percent of the current year's appropriation as a permanent fund out of which to pay its current expenses. ~~No sums shall be~~ Sums paid out by the commission ~~except the same be regularly audited and allowed and the allowance thereof recorded in the minutes of its meetings, and a voucher therefor be signed by its chairman and secretary~~ shall be as approved by the commission and shall be regularly audited.

Sec. 6. That section 2-1228, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-1228. Any racetrack issued a license under sections 2-1201 to 2-1223 (1) conducting primarily quarterhorse races in the year immediately preceding the year for which application is made, regardless of the total number of days of live racing conducted in such year, or (2) conducting primarily thoroughbred horseraces in the year immediately preceding the year for which application is made which conducted live racing on at least ninety percent of the days for which it was authorized to conduct live racing in 1988 unless the commission determines that such racetrack was unable to conduct live racing on the required number of days due to factors beyond its control, including, but not limited to, fire, earthquake, tornado, or other natural disaster, may apply to the commission for an interstate simulcast facility license. An application for such license shall be in a form prescribed by the commission and shall contain such information, material, or evidence as the commission may require. Any racetrack issued an interstate simulcast facility license may conduct the interstate simulcast of any horserace permitted under its license, and parimutuel wagering shall be allowed on such horserace. This section shall not apply to licensed racetracks in counties containing a city of the primary class from January 1, 1992, to December 31, 1992.".

2. On page 4, line 6, strike the first comma and insert "or" and strike ", or other arrangement"; in

line 15 strike the comma and insert "or"; in line 16 strike ", or other arrangement"; and in line 18 after the period insert "Such contract or agreement may not be utilized as a lease, transfer, or other arrangement for shifting the licensed proprietary interest that such county or nonprofit corporation has in the racetrack and horseracing facilities or otherwise circumvent the provisions of section 2-1205 regarding the assignment of a race meet license.".

3. On page 5, line 3, after the period insert "The commission shall confer with and receive any recommendations from the organizations which represent the majority of the horsepersons at the track and the majority of thoroughbred breeders in Nebraska as to what effect the application would have upon horseracing and horse breeding in the state."; and in line 9, after "2-1205" insert ", 2-1208, 2-1208.04, 2-1209, 2-1228,".

4. Renumber the remaining sections accordingly.

(Signed) Stan Schellpeper, Chairperson

MESSAGE FROM THE GOVERNOR

February 7, 1992

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, and 868 were received in my office on February 4, 1992; Legislative Bills 27, 119, 262, 452, and 543 were received on February 5, 1992; and Legislative Bills 816, 869, and 870 were received on February 6, 1992.

These bills were signed by me on February 7, 1992, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson

Governor

ANNOUNCEMENTS

The Banking, Commerce and Insurance Committee designates LB 1006 as its priority bill.

The General Affairs Committee designates LB 1061 as its priority bill.

Mr. Withem designates LB 1099 as his priority bill.

UNANIMOUS CONSENT - Print in Journal

Mr. Schrock asked unanimous consent to print the following amendment to LB 1011 in the Journal. No objections. So ordered.

AM2827

1. Insert the following new section:

"Sec. 3. In an action brought by any person against the owner of a dog pursuant to sections 54-601 and 54-602, the owner of the dog may assert the following affirmative defenses:

(1) That the person bringing the action was a trespasser; or

(2) That there existed an intervening cause sufficient to relieve the owner of the dog of liability.".

2. On page 2, strike beginning with "(1)" in line 7 through "(2)" in line 9 and show as stricken; and in line 21 strike ", other than a trespasser,".

3. Renumber the remaining section accordingly.

REPORT

Received from the State Treasurer's office a summary of investment securities of the State of Nebraska.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 671.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Rights of the Terminally Ill Act; and to provide severability.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 34:

Ashford
Baack
Bernard-Stevens
Beutler
Bohlke
Byars
Chambers
Chizek
Coordsen
Cudaback
Elmer
Haberman
Hefner
Hillman
Horgan
Johnson, L.
Kristensen
Landis
Lynch
Moore
Morrissey
Nelson
Rasmussen
Robak
Robinson
Schellpeper
Schimek
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 9:

Abboud
Beyer
Hartnett
Labedz
Lamb
Lindsay
Peterson
Rogers
Schmit

Present and not voting, 2:

Conway
Crosby

Excused and not voting, 4:

Dierks
Hall
Johnson, R.
Pirsch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 696.

A BILL FOR AN ACT relating to powers of attorney; to state intent; to define terms; to provide for the execution of a power of attorney for health care; to provide procedures, a form, qualifications, limitations, powers, and duties as prescribed; to provide hearings, restrictions on liability, and penalties; to provide an operative date; and to provide severability.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud
Ashford
Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Cudaback
Elmer
Haberman
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Johnson, R.
Kristensen
Labedz
Lamb
Landis
Lindsay
Lynch
Moore
Morrissey
Nelson
Peterson
Rasmussen
Robak
Robinson
Rogers
Schellpeper
Schimek
Schmit
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 0.

Excused and not voting, 3:

Dierks
Hall
Pirsch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

STANDING COMMITTEE REPORTS

Government, Military and Veterans Affairs

The Committee on Government, Military and Veterans desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Nancy Thompson - Director, Department of Aeronautics
Carole Woods Harris - State Personnel Board

VOTE: Aye: Senators Conway, Bohlke, Coordsen, Lindsay, Schimek, and Schrock. Absent: Senators Robak and Withem.

LEGISLATIVE BILL 1081. Placed on General File.
LEGISLATIVE BILL 1134. Placed on General File.

(Signed) Gerald Conway, Chairperson

GENERAL FILE

LEGISLATIVE BILL 308. Title read. Considered.

Standing Committee amendment, AM0602, found in the Journal on page 1315, First Session, 1991, was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Pending.

Mr. Morrissey asked unanimous consent to be excused. No objections. So ordered.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 671 and 696.

GENERAL FILE

LEGISLATIVE BILL 308. Considered.

Messrs. Chizek and Haberman asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for review with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 308A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 307. Title read. Considered.

Mr. Will renewed his pending amendment, AM2464, found in the Journal on page 468.

The Will amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 746. Title read. Considered.

Standing Committee amendment, AM0239, found in the Journal on page 638, First Session, 1991, was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 10, 1992, at 10:10 a.m., were the following bills: 671 and 696.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

UNANIMOUS CONSENT - Print in Journal

Mr. Conway asked unanimous consent to print the following amendment to LB 998 in the Journal. No objections. So ordered.

AM2825

(Amendments to Standing Committee amendments, AM2696)

1. On page 1, line 4, strike the second "or" and insert "and".

Mr. Bernard-Stevens asked unanimous consent to print the following amendment to LB 145 in the Journal. No objections. So ordered.

AM2819

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. For purposes of sections 1 to 6 of this act:

(1) Director shall mean the Director of Personnel;

(2) Employee shall mean a person who performs services for hire on a permanent basis for the state for

an average of twenty hours or more hours per week;

(3) Employee benefits shall mean all benefits, other than salary or wages, provided or made available to employees by the state, including group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, and pensions;

(4) State shall mean the State of Nebraska, including the executive, legislative, and judicial branches, and any state department or agency that employs employees; and

(5) Parental leave shall mean a leave of absence from employment with full pay and employee benefits made available to the employee because of the birth of a child of the employee or the placement of a child with the employee for purposes of adoption of such child by the employee.

Sec. 2. (1) An employee who has been employed by the state for twelve consecutive months shall be entitled to up to six work weeks of parental leave in any two calendar years.

(2) The employee shall give at least thirty days' notice of the approximate dates on which the employee expects the parental leave to commence and to terminate unless prevented by medical emergency or exigent circumstances from giving such notice.

(3) Nothing in sections 1 to 6 of this act shall be construed to affect the obligation of the state to comply with any collective-bargaining agreement or employee benefit plan which provides additional parental leave rights to employees than the rights provided in such sections. Parental leave established pursuant to such sections shall not be diminished by any collective-bargaining agreement or by any employee benefit plan.

Sec. 3. (1) Every employee who exercises his or her right to parental leave under sections 1 to 6 of this act shall, upon the expiration of such leave, be entitled to the position he or she held when the parental leave commenced or to a position with equivalent seniority, status, employee benefits, salary including any automatic salary increases made during his or her leave, and other terms and conditions of employment.

(2) The taking of parental leave pursuant to such sections shall not result in the loss of any benefit accrued before the date on which the parental leave commenced.

Sec. 4. (1) The state shall not interfere with, restrain, or deny the exercise of or the attempt to exercise any right provided by sections 1 to 6 of this act.

(2) The state shall not discharge, fine, suspend, expel, discipline, or in any other manner discriminate against any employee for exercising any right provided in such sections.

(3) The state shall not discharge, fine, suspend, expel, discipline, or in any other manner discriminate against any employee for opposing any act or omission prohibited by such sections.

Sec. 5. A civil action may be brought in the district court by an employee or by the director against the state to enforce sections 1 to 6 of this act or to enforce any order issued by the director pursuant to such sections. The court may enjoin any act or practice which violates or may violate any provision of such sections and may order equitable relief as is necessary and appropriate to redress the violation or to enforce any provision of such sections.

Sec. 6. The director shall adopt and promulgate rules and regulations to carry out sections 1 to 5 of this act, including rules and regulations concerning service of complaints, notice of hearings, answers and amendments to complaints, and copies of orders and records of proceedings. If, after giving the employing agency written notice and an opportunity to be heard, the director finds that the employing agency has failed to comply with any provision of such sections, the director may issue such orders as he or she deems necessary to protect the rights of any employee.

Sec. 7. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.".

MOTION - Suspend Rules

Mr. Abboud moved to suspend the rules, Rule 5, Section 5(e) to permit withdrawal and substitution of his priority bill designation.
LB 812 - withdrawal
LB 728 - priority bill

Laid over.

GENERAL FILE

LEGISLATIVE BILL 898. Title read. Considered.

Standing Committee amendment, AM2569, found in the Journal on page 593, was considered.

Mr. Lynch renewed his pending amendment, AM2629, found in the Journal on page 658, to the Standing Committee amendment.

Mr. Lynch moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Lynch requested a roll call vote on his amendment.

Voting in the affirmative, 16:

Abboud
Ashford
Chambers
Chizek
Hartnett
Horgan
Kristensen
Labedz
Landis
Lindsay
Lynch
Rasmussen
Schimek
Schrock
Will
Withem

Voting in the negative, 24:

Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Byars
Conway
Coordsen
Crosby
Cudaback
Dierks
Elmer
Hefner
Johnson, L.
Johnson, R.
Lamb
Robinson
Rogers
Schellpeper
Schmit
Warner
Wehrbein
Wesely
Wickersham

Present and not voting, 5:

Hillman
Moore
Nelson
Peterson
Robak

Excused and not voting, 4:

Haberman	Hall	Morrissey	Pirsch

The Lynch amendment lost with 16 ayes, 24 nays, 5 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

The Standing Committee amendment was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

MR. WARNER PRESIDING

LEGISLATIVE BILL 989. Title read. Considered.

Standing Committee amendment, AM2638, found in the Journal on page 593, was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 130 in the Journal. No objections. So ordered.

AM2777

(Amendments to the E&R amendments, AM5238)

1. On page 2, line 15, after the period insert "If cigarettes or other tobacco products are dispensed from a vending machine or similar device to a minor in any establishment having such a license, the license shall be suspended for thirty days. Any subsequent sale of cigarettes or other tobacco products to a minor from such a vending machine or similar device shall result in the suspension of the license for six

9 months.".

STANDING COMMITTEE REPORT
Government, Military and Veterans Affairs

LEGISLATIVE RESOLUTION 210. Placed on General File.

(Signed) Gerald Conway, Chairperson

NOTICE OF COMMITTEE HEARING
Appropriations

Tuesday, February 18, 1992 1:30 p.m.
Agency 13 - Education Block Grant
Agency 20 - Health Prevention Services Block Grant
Agency 20 - Maternal and Child Health Block Grant
Agency 25 - Alcohol, Drug Abuse and Mental Services Block Grant
Agency 54 - Nebraska State Historical Society
Agency 76 - Nebraska Commission on Indian Affairs

(Signed) Scott Moore, Chairperson

STANDING COMMITTEE REPORT
Natural Resources

The Committee on Natural Resources desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Donald W. Forney - Nebraska Game and Parks Commission
William Grewcock - Nebraska Game and Parks Commission
Conrad J. Boehler - Environmental Control Council

VOTE: Aye: Senators Beutler, Hartnett, Horgan, R. Johnson, and Morrissey. Nay: none. Not voting: none. Absent: Senators Elmer, Lamb, and Schmit.

(Signed) Rod Johnson, Chairperson

UNANIMOUS CONSENT - Member Excused

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 349. The Standing Committee amendment, AM2456, found in the Journal on page 491 and considered on page 624, was renewed.

Mr. Beutler asked unanimous consent to replace his pending amendment, AM2709, found in the Journal on page 634, with a substitute amendment. No objections. So ordered.

Mr. Beutler withdrew his pending amendment, AM2709, found in the Journal on page 634.

Mr. Rogers offered the following substitute amendment to the Standing Committee amendment:
AM2834

(Amendments to Standing Committee amendments, AM2456)

1. Insert the following new section: "Sec. 20. Sections 7, 8, and 14 to 17 of this act shall terminate on December 31, 1993.".

2. On page 12, line 5, after "2-2611" insert "and 2-2617".

3. On page 15, strike beginning with "The" in line 9 through line 12 and insert "It is the intent of the Legislature that the Department of Environmental Control shall be responsible for the development and implementation of any ground water quality management plan relating to economic poisons and that any such plan shall be approved by the Legislature prior to implementation.".

4. On page 21, strike beginning with "The" in line 7 through the underscored period in line 11 and insert "It is the intent of the Legislature that the Department of Environmental Control shall be responsible for the development and implementation of any ground water quality management plan relating to economic poisons and that any such plan shall be approved by the Legislature prior to implementation.".

5. Renumber the remaining sections accordingly.

SPEAKER BAACK PRESIDING

Mr. Chizek asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Robak moved the previous question. The question is, "Shall the debate now close?"

Mrs. Robak moved for a call of the house. The motion prevailed with 13 ayes, 2 nays, and 34 not voting.

The motion to cease debate prevailed with 25 ayes, 5 nays, and 19 not voting.

The Rogers amendment was adopted with 32 ayes, 1 nay, 10 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Elmer offered the following amendment to the Standing Committee amendment:
FA261
Amend the Committee Amendment as follows:
On line 11, Page 19, after the word "Commercial" add "or Private"
On line 20, Page 19, after the word "Commercial" add "or private"

Mr. Peterson asked unanimous consent to be excused. No objections. So ordered.

Mr. Rogers moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Chizek asked unanimous consent to be excused. No objections. So ordered.

The Elmer amendment lost with 5 ayes, 18 nays, 19 present and not voting, and 7 excused and not voting.

Pending.

UNANIMOUS CONSENT - Add Cointroducer

Mr. Horgan asked unanimous consent to have his name added as cointroducer to LB 308. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 349 in the Journal. No objections. So ordered.

AM2844

(Amendments to Standing Committee amendments, AM2456)

1. On page 15, line 3, after the comma insert "the natural resources districts of Nebraska,"; and strike beginning with "also" in line 9 through "government" in line 10 and insert "cooperate with the natural resources districts".

2. On page 21, line 5, after "Agriculture" insert ", in cooperation with the natural resources districts,"; strike beginning with "The" in line 7 through the underscored period in line 11; in line 20 strike "may" and insert "shall"; and strike beginning with "other" in line 21 through "state" in line 22 and insert "the natural resources districts".

3. On page 24, line 12, after "agent" insert ", any member of the board of directors or a designated representative of each natural resources district,".

4. On page 25, line 1, after "agent" insert ", any member of the board of directors or a designated representative of each natural resources district,".

Mr. Schmit asked unanimous consent to print the following amendment to LB 349 in the Journal. No objections. So ordered.

AM2845

(Amendments to Standing Committee amendments, AM2845)

1. On page 26, line 24, after the last period insert "The changes made in sections 2-2601, 2-2604, 2-2613, 2-2614, 2-2619, and 2-2620 by this legislative bill and sections 7, 8, and 14 to 17 of this act shall not be operative if funding, grants, and other financial sources from the Environmental Protection Agency do not totally cover the entire cost of enforcement, implementation, administration, and education required under such sections.".

Mrs. Nelson asked unanimous consent to print the following amendment to LB 226 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM2767.)

Mr. Baack asked unanimous consent to print the following amendment to LB 291 in the Journal. No objections. So ordered.

AM2833

(Amendments to Standing Committee amendments, AM2314)

1. Strike section 12 and insert the following new section:

"Sec. 12. Any revocation of a person's operator's license pursuant to sections 39-669.07 to 39-669.18 for a third or subsequent time for a period greater than six years may be reduced upon application to the court if the court finds that such applicant has been treated successfully for an alcohol or drug disorder.".

2. On page 3, line 3, strike "thirty", show as stricken, and insert "five"; in line 6 strike "or subsequent" and show as stricken; in line 8 strike "six months", show as stricken, and insert "one year"; and after line 14 insert:

"Fourth or subsequent conviction
Maximum -- five years imprisonment and ten thousand dollars fine
Mandatory minimum -- ninety days imprisonment and five hundred dollars fine".

3. On page 7, lines 14 and 17; page 8, lines 13 and 16; page 9, lines 15, 18, and 22; page 11, line 1; page 15, lines 17 and 21; page 16, lines 18 and 22; page 17, line 22; page 18, lines 2 and 5; and page 19, line 9, strike "ten", show as stricken, and insert "six".

4. On page 11, line 8; and page 19, line 16, strike "ten-year", show as stricken, and insert "six-year".

5. On page 13, strike beginning with "The" in line 16 through line 24.

6. On page 36, after line 1, insert the following new subsection:

"(8) An arrested person whose operator's license was impounded for thirty days pursuant to subsection (4) or (5) of this section may make application to the court at the expiration of such thirty-day period for an ignition interlock device if the arrested person shows to the satisfaction of the court that his or her vehicle is necessary for employment purposes.".

7. On page 44, line 9, strike "section 14" and insert "sections 12 and 14".

8. On page 53, line 22, strike "39-669.16,".

9. Renumber the remaining sections accordingly.

VISITORS

Visitors to the Chamber were Leslie Stevens from Falls City, Graham Bell, Mark Simmons, and Trevor Gibbs from England; Jan Murphy, Sherrie Curtiss, Ty Mayer, Robert Brown, and Dr. Clark Gardener; Mr. and Mrs. William Siegel from Morrill; and Mayor Bob Unzicker from Gering.

ADJOURNMENT

At 11:58 a.m., on a motion by Mr. Schmit, the Legislature adjourned until 9:00 a.m., Tuesday, February 11, 1992.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

TWENTY-FOURTH DAY - FEBRUARY 11, 1992

LEGISLATIVE JOURNAL

NINETY-SECOND LEGISLATURE
SECOND SESSION

TWENTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 11, 1992

Pursuant to adjournment, the Legislature met at 9:05 a.m., Speaker Baack presiding.

PRAYER

The prayer was offered by Rev. Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Messrs. Morrissey and Rogers who were excused; and Messrs. Ashford, Byars, Chambers, Hall, Lamb, Landis, Lynch, Schmit, Wehrbein, Wesely, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 746, line 30, strike "FIRST" and insert "FINAL".
Page 746, line 31, strike "for the first time by title" and insert "and put upon final passage".
The Journal for the twenty-third day was approved as corrected.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 907. Placed on Select File as amended.
E & R amendment to LB 907:
AM5245

1. On page 1, line 5, after the semicolon

insert "to redefine a term; to provide fees;".

2. On page 2, line 1, strike "25" and insert "24".

3. On page 2, lines 6, 8, 10, 14, 19, 20, and 24; page 3, lines 3, 6, 8, 12, 14, 16, 21, and 25; and page 4, lines 2 and 5, strike "shall mean" and insert "means".

4. On page 4, line 9, strike "shall apply" and insert "applies"; in line 16 strike "shall remain" and insert "remains"; in line 21 strike "shall be" and insert "is"; and in line 25 strike "Nebraska".

5. On page 11, line 23, strike "following form" and insert "form set forth in this subsection"; in line 24 strike "(a)(ii)" and insert "(1)(a)(ii)"; and strike line 25 and insert "(1)(g) of this section.".

6. On page 23, line 16, after "43-2305" insert "as such act or sections existed on the effective date of this act"; in line 20 after "Act" insert "of any other state".

7. On page 24, lines 15 and 16, strike "the effective date of this act" and insert "such date".

8. On page 25, line 4, strike "such date" and insert "the effective date of this act"; in line 8 strike "or" and insert "and" and after "such" insert "act and"; and in line 14 strike "Nebraska".

LEGISLATIVE BILL 369. Placed on Select File as amended.
E & R amendment to LB 369:
AM5240

1. On page 2, lines 16 and 24; page 4, line 17; page 5, line 10; page 6, line 17; page 7, line 4; page 10, line 25; and page 11, line 14, after the period insert paragraphing.

2. On page 4, line 1, strike the new matter and reinsert the stricken matter; in line 5 strike the first comma and show as stricken; and in line 16 after "to" reinstate the stricken "one".

3. On page 6, line 11 strike "municipality", show as stricken, and insert "city or village"; and in line 17 before "At" insert "(2)".

4. On page 7, line 3, after "to" reinstate the stricken "other"; in line 4 before "The" insert "(3)"; in line 16 before "For" insert "(4)" and strike

"subsection" and insert "section"; and in line 25 strike "(2)", show as stricken, and insert "(5)".

5. On page 8, lines 7, 8, and 16, strike the new matter and reinstate the stricken matter.

6. On page 11, line 21, strike the comma and show as stricken.

LEGISLATIVE BILL 928. Placed on Select File as amended.
E & R amendment to LB 928:
AM5242

1. On page 2, line 6; and page 3, line 23, strike the second "the" and insert "any".

2. On page 4, line 5, strike the comma and show as stricken.

3. On page 6, line 9, strike "person" and insert "persons".

4. On page 7, line 4, strike "sections 18-1736 to 18-1741", show as stricken, and insert "such sections"; and in line 14 after "cents" insert "of which".

LEGISLATIVE BILL 933. Placed on Select File as amended.
E & R amendment to LB 933:
AM5241

1. In the Lynch amendment, AM2817, on page 1, strike beginning with "On" in line 1 through "2." in line 3; and in line 5 strike "(b)" and insert "(3)".

2. On page 1, lines 4 and 5, strike "an onstreet" and insert "a".

3. On page 3, line 3, strike the first comma and show as stricken.

LEGISLATIVE BILL 950. Placed on Select File as amended.
E & R amendment to LB 950:
AM5243

1. On page 3, line 10, strike "shall have" and insert "has".

LEGISLATIVE BILL 982. Placed on Select File.
LEGISLATIVE BILL 982A. Placed on Select File.

LEGISLATIVE BILL 1004. Placed on Select File as amended.
E & R amendment to LB 1004:

AM5246

1. Strike original section 17.

2. On page 1, line 3, after "to" insert "77-2111, 77-2213 to"; in line 7 strike "or distribution"; and strike line 13 and insert "provisions relating to calculation of the estate tax; to harmonize provisions".

3. On page 2, lines 1 and 2 and 8, strike "to provide for" and insert "relating to"; in lines 3 and 6 strike "tax" and insert "taxes"; and in line 7 strike "a penalty" and insert "penalties".

4. On page 4, line 1, strike "tax" and insert "taxes".

5. On page 7, strike line 1 and insert "to 77-2115 and sections 4 and 5 of this act:"; and in line 14 after "mean" insert "the".

6. On page 8, line 16, strike "This", show as stricken, and insert "The transfer".

7. On page 10, line 14; and page 11, line 3, before "transfer" insert "the".

8. On page 11, line 4, strike the comma and show as stricken; in line 15 strike "of"; and in line 16 strike "interest".

9. On page 12, line 18, after the comma insert "executor,".

10. On page 15, line 6, after "such" insert an underscored comma.

11. On page 22, line 9, after the second "to" insert "77-2111, 77-2113 to".

12. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 906. Placed on Select File.
LEGISLATIVE BILL 971. Placed on Select File.

LEGISLATIVE BILL 1011. Placed on Select File as amended.
E & R amendment to LB 1011:
AM5244

1. On page 1, line 3, strike "a provision" and insert "provisions".

LEGISLATIVE BILL 1115. Placed on Select File.
LEGISLATIVE BILL 984. Placed on Select File.

LEGISLATIVE BILL 985. Placed on Select File.
LEGISLATIVE BILL 877. Placed on Select File.

LEGISLATIVE BILL 877A. Placed on Select File as amended.
E & R amendment to LB 877A:
AM5247
1. On page 2, line 14, after "$74,500" insert a comma.

LEGISLATIVE BILL 878. Placed on Select File.

(Signed) Eric Will, Chairperson

STANDING COMMITTEE REPORT
Transportation

The Committee on Transportation desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Allan Abbott - Director, Department of Roads
Donna Wanitschke - Nebraska State Highway Commission
John McLellan, Jr. - Nebraska State Highway Commission

VOTE: Aye: Senators Byars, Horgan, Pirsch, Robak, and Kristensen. Nay: None. Absent: Senators Beyer, Peterson, and Wickersham.

(Signed) Doug Kristensen, Chairperson

ATTORNEY GENERAL'S OPINION

Opinion No. 92018

DATE:	February 7, 1992
SUBJECT:	Amendment to County Fair Funding Procedure Under *Neb.Rev.Stat.* § 2-229 (Reissue 1987).
REQUESTED BY:	Senator Stan Schellpeper Nebraska State Legislature
WRITTEN BY:	Don Stenberg, Attorney General L. Jay Bartel, Assistant Attorney General

You have requested our opinion regarding the interpretation of Neb.Rev.Stat. § 2-229 (Reissue 1987) pertaining to the respective responsibilities of the county fair board and the county board in determining the amount of funding to be provided for the support of the county fair. You state that "there seems to be some confusion from different county boards and county fair boards regarding which one of those two entities has the final authority to set the amount of taxes which may be necessary for county fair purposes, ..." Depending on our answer to this question, you indicate that you may introduce amendatory legislation "to clarify this issue."

Section 2-229 provides:

> During the month of November each year, the county fair board shall prepare and submit to the county board an estimate, itemized as far as possible, of the amount of money which shall be necessary to be collected by taxation for the support and management of the fair for the ensuing year. The county board shall levy such amount of taxes as may be necessary for county fair purposes, and such tax shall be levied and collected in like manner as general taxes for the county.

"As a general rule, in the construction of statutes, the word 'shall' is considered mandatory, and inconsistent with the idea of discretion." State v. Stratton, 220 Neb. 854, 857, 374 N.W.2d 31, 34 (1985). "Generally, 'may' used in a statute will be given its ordinary permissive and discretionary meaning unless it would manifestly defeat the statutory object." Peterson v. Minden Beef Co., 231 Neb. 18, 20-21, 434 N.W.2d 681, 683 (1989).

Application of these principles to the interpretation of § 2-229 is somewhat problematic, in that the statute contains terminology both mandatory and discretionary in nature. The first sentence of the statute is wholly mandatory, providing "the county fair board shall prepare and submit to the county board an estimate . . . of the amount of money which shall be necessary to be collected by taxation for the support and management of the fair for the ensuing year." (Emphasis added.) The second sentence of the statute, however, combines terminology both mandatory and permissive in nature, providing that "{t}he county board shall levy such amount of taxes as may be necessary for county fair purposes, and such tax shall be levied and collected in like manner as general taxes for the county." (Emphasis added).

While the question is not free from doubt, we believe the better view is to construe the statute as granting the county board discretion to levy the amount of taxes that it determines to be "necessary" for the support and management of the county fair, and that the county board is thus not bound to follow the "estimate" submitted by the county fair board of the amount that it deems "necessary" for such purpose. We are aware that the Nebraska Supreme Court, in construing the provisions of the Agricultural Extension Service Act (codified at Neb.Rev.Stat. §§ 2-1601 to 2-1607) (Reissue 1987)), held that § 2-1604 placed a mandatory duty on a county board to set aside in the general fund an amount equal to the county extension budget submitted by the extension service. State ex rel. Agricultural Extension Service v. Miller, 182 Neb. 285, 154 N.W.2d 469 (1967). The statute construed in Miller provided that "the county board shall annually set aside in the general fund of the county an amount equal to the county extension budget; . . . ." The statute further provided, however, "that such sum shall not exceed seventy-five hundred dollars, or an amount equal to a four-tenths mill levy on the dollar upon the assessed value of all the taxable property in such county, . . . , whichever is greater." Id. at 287, 154 N.W.2d at 470-71. We have also interpreted similar language in the statute providing for the formation of county agricultural societies to compel a county board to levy a tax to raise an amount as specified by statute for the support of the society. Report of Attorney General 1925-26, January 30, 1925, p. 105. See Neb.Rev.Stat. § 2-201 (Reissue 1987).

Apart from differences in the language of the statutes relating to the funding of agricultural extension services and county agricultural societies and the provisions of § 2-229, we note that, unlike the statutes pertaining to extension services and agricultural societies, § 2-229 imposes no maximum amount which may not be exceeded by virtue of the levy imposed to support these entities or activities. Thus, if § 2-229 were construed to mandate that the county board levy a tax sufficient to raise whatever amount the fair board deemed necessary, there would be no limitation on the amount the fair board could compel the county board to raise by taxation. We do not believe this is a reasonable construction of the statute, and, therefore, conclude that, by providing that the county board must levy an amount as "may" be necessary for county fair purposes, the Legislature intended to provide discretion to the county board to alter or amend the estimate provided by the county fair board to determine an appropriate level of support for the county fair.

Indeed, this result is similar to that reached in a prior opinion in which we concluded that the county board was authorized to alter the amount requested by the Noxious Weed Control Authority, rather than being compelled to levy taxes sufficient to raise the amount requested by the Authority. Report of Attorney General 1965-66, Opinion No. 201, June 30, 1966, p. 323. In reaching this conclusion, we noted the specific authority of the county board under § 23-908 of the County Budget Act to, "in its discretion, revise, alter, increase or decrease the items contained in the budget, . . .," and the absence of any specific amount of taxes or limitation as to the amount of taxes to be levied under the weed control authority statutes. Id. at 324.

We note, however, that the answer to your question is not entirely clear, and believe that an argument could certainly be made to support the interpretation that a county board must levy the amount specified by the county fair board as necessary for the support and management of the fair under § 2-229. Given this admitted lack of clarity, it would not be inappropriate for the Legislature to consider amendatory language to § 2-229 to clearly express its intent as to the respective powers and duties of the county fair board and the county board in determining the amount of funds to be provided for county fair purposes.

Sincerely,
DON STENBERG
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

cc: Patrick J. O'Donnell
Clerk of the Legislature
7-47-6.92

UNANIMOUS CONSENT - Bracket LB 573

Mr. Baack asked unanimous consent to bracket LB 573 on E & R Final. No objections. So ordered.

MOTION - Approve Appointments

Mr. Conway moved the adoption of the report of the Government, Military and Veterans Affairs Committee for the following Governor appointments found in the Journal on page 748: Nancy Thompson - Director, Department of Aeronautics and Carole Woods Harris - State Personnel Board.

Voting in the affirmative, 25:

Abboud
Baack
Beyer
Bohlke
Conway
Crosby
Cudaback
Dierks
Elmer
Hartnett
Hillman
Horgan
Johnson, L.
Johnson, R.
Labedz
Lindsay
Pirsch
Rasmussen
Robak
Schellpeper
Schrock
Warner
Wickersham
Will
Withem

Voting in the negative, 0.

Present and not voting, 12:

Bernard-Stevens
Beutler
Chizek
Coordsen
Haberman
Hefner
Kristensen
Lynch
Moore
Nelson
Peterson
Robinson

Excused and not voting, 12:

Ashford
Byars
Chambers
Hall
Lamb
Landis
Morrissey
Rogers
Schimek
Schmit
Wehrbein
Wesely

These appointments were confirmed with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Mr. R. Johnson moved the adoption of the report of the Natural Resources Committee for the following Governor appointments found in the Journal on page 755: Donald W. Forney and William Grewcock - Nebraska Game and Parks Commission and Conrad J. Boehler - Environmental Control Council.

Voting in the affirmative, 30:

Abboud
Baack
Beyer
Bohlke
Conway
Crosby
Cudaback
Dierks
Elmer
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Johnson, R.
Labedz
Lamb
Lindsay
Moore
Nelson
Peterson
Pirsch
Rasmussen
Robak
Schellpeper
Schrock
Warner
Wickersham
Will
Withem

Voting in the negative, 0.

Present and not voting, 8:

Bernard-Stevens
Beutler
Chizek
Coordsen
Haberman
Kristensen
Lynch
Robinson

Excused and not voting, 11:

Ashford
Byars
Chambers
Hall
Landis
Morrissey
Rogers
Schimek
Schmit
Wehrbein
Wesely

These appointments were confirmed with 30 ayes, 0 nays, 8 present and not voting, and 11 excused and not voting.

MOTION - Suspend Rules

Mr. Abboud renewed his pending motion, found in the Journal on page 753, to suspend the rules, Rule 5, Section 5(e) to permit withdrawal and substitution of his priority bill designation.
LB 812 - withdrawal
LB 728 - priority bill

The Abboud motion to suspend the rules prevailed with 32 ayes, 0 nays, 6 present and not voting, and 11 excused and not voting.

STANDING COMMITTEE REPORTS
Business and Labor

LEGISLATIVE BILL 735. Placed on General File.
LEGISLATIVE BILL 936. Placed on General File.

LEGISLATIVE BILL 360. Placed on General File as amended.
Standing Committee amendment to LB 360:
AM2840

1. Insert the following new sections:

"Section 1. That section 48-120, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-120. The employer shall be liable for all reasonable medical, surgical, and hospital services, including plastic or reconstructive but not cosmetic surgery when the injury has caused disfigurement, appliances, supplies, prosthetic devices, and medicines as and when needed, which are required by the nature of the injury and which will relieve pain or promote and hasten the employee's restoration to health and employment, and shall include damage to or destruction of artificial members, dental appliances, teeth, hearing aids, and eyeglasses, but, in the case of dental appliances, hearing aids, or eyeglasses, only if such damage or destruction resulted from an accident which also caused personal injury entitling the employee to compensation therefor for disability or treatment, subject to the approval of and regulation by the Nebraska Workers' Compensation Court, not to exceed the regular charge made for such service in similar cases. The compensation court may establish ~~and publish~~ schedules of maximum fees for such services. If the compensation court establishes such a schedule, it shall publish and furnish such schedule to the public. The compensation court shall review such schedule ~~annually~~ at least biennially and adopt appropriate changes when necessary. The compensation court ~~may~~ shall contract with any person, firm, corporation, organization, or government agency to secure adequate data to establish such fees. The provider or supplier of such services shall not collect or attempt to collect from any employer, insurer, government, or injured employee or dependent or the estate of any injured or deceased employee any amount in excess of the maximum fee established by the compensation court for any such service. The compensation court ~~may~~ shall establish and charge a fee to recover the cost of published fee schedules. The employee shall have the right to make the initial selection of his or her physician from among all licensed physicians in the state and shall have the right to make an alternative choice of physician if he or she is not satisfied with the physician first selected. If the employee shall select a physician located in a community not the home or place of work of the employee and a physician is available in the local community or in a closer community, no travel expenses shall be required to be paid by the employer or his or her insurer. In cases of injury requiring dismemberment or injuries involving major surgical operation, the employee may designate to his or her employer the physician or surgeon to perform the operation. If the injured employee unreasonably refuses or neglects to avail himself or herself of medical or surgical treatment, except as herein and otherwise provided, the employer shall not be liable for an aggravation of such injury due to such refusal and neglect and the compensation court or judge thereof may suspend, reduce, or limit the compensation otherwise payable under the Nebraska Workers' Compensation Act.

If, due to the nature of the injury or its occurrence away from the employer's place of business, the employee is unable to make such selection, the selection requirements of this section shall not apply as long as the inability to make a selection persists. The physician selected may arrange for any consultation, referral, or extraordinary or other specialized medical services as the nature of the injury shall require. The employer shall not be responsible for medical services furnished or ordered by any physician or other person selected by the employee in disregard of this section.

No claim for such medical treatment shall be valid and enforceable unless, within fourteen days following the first treatment, the physician giving such treatment furnishes the employer and the Nebraska Workers' Compensation Court a report of such injury and treatment on a form prescribed by the compensation court. The compensation court may excuse the failure to furnish such report within fourteen days when it finds it to be in the interest of justice to do so.

All physicians attending injured employees shall comply with all the rules and regulations adopted and promulgated by the Nebraska Workers' Compensation Court and shall make such reports as may be required by it at any time and at such times as required by it upon the condition or treatment of any injured employee or upon any other matters concerning cases in which they are employed. Generally, all medical and hospital information relevant to the particular injury shall, on demand, be made available to the employer, employee, carrier, and the compensation court. The party requesting such medical and hospital information shall pay the cost thereof. No such relevant information developed in connection with treatment or examination for which compensation is sought shall be considered a privileged communication for purposes of a workers' compensation claim. When a physician willfully fails to make any report required of him or her under this section, the compensation court may order the forfeiture of his or her right to all or part of payment due for services rendered in connection with the particular case.

Whenever the Nebraska Workers' Compensation Court deems it necessary, in order to assist it in resolving any issue of medical fact or opinion, it shall cause the employee to be examined by a physician or physicians selected by the compensation court and obtain from such physician or physicians a report upon the condition or matter which is the subject of inquiry. The compensation court may charge the cost of such examination to the carrier. The cost of such examination shall include the payment to the employee of all necessary and reasonable expenses incident to such examination, such as transportation and loss of wages.

The Nebraska Workers' Compensation Court shall have the authority to determine the necessity, character, and sufficiency of any medical services furnished or to be furnished and shall have authority to order a change of doctor, physician, hospital, or rehabilitation facility when it deems such change is desirable or necessary. For the purpose of this section, physician shall mean any person licensed to practice medicine and surgery, osteopathic medicine, chiropractic, podiatry, or dentistry.

The Nebraska Workers' Compensation Court shall order the employer to make payment directly to the supplier of any services provided for in this section or reimbursement to anyone who has made any payment to the supplier for services provided in this section. No such supplier or payor may be made or become a party to any action before the compensation court.

Sec. 5. That section 48-163, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-163. The Nebraska Workers' Compensation Court may adopt and promulgate all reasonable rules and regulations necessary for carrying out the intent and purpose of the Nebraska Workers' Compensation Act and shall administer and enforce all of the provisions of such act, except such as are committed to the Supreme Court. The compensation court or any judge thereof may, upon the motion of either party or upon its or his or her own motion, require the production of any books, papers, payrolls, medical reports, X-rays, photographs or plates, or any facts or matters which may be necessary to assist in a determination of the rights of either party in any matter pending before such compensation court or any judge thereof. The compensation court or any judge thereof may conduct pretrial conferences and may hear and determine pretrial matters and posttrial matters not involving testimony of witnesses by oral examination or may assign staff personnel to hold pretrial conferences which may be done at any location or by use of telephonic methods. The compensation court may require the parties to pay for or to make reimbursement for any telephone charges incurred.

Sec. 8. That section 48-180, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-180. The Nebraska Workers' Compensation Court may, on its own motion, modify or change its findings, order, award, or judgment at any time before appeal and within ten days from the date of such findings, order, award, or judgment for the purpose of correcting any ambiguity, ~~or~~ clerical error, or patent or obvious error. The time for appeal shall not be lengthened because of the correction unless the correction substantially changes the result of the award.".

2. On page 6, after line 21 insert the following new paragraph:

"The compensation court or judge thereof, at the party's expense, may appoint a court reporter or may direct a party to furnish a court reporter to be present and report or, by adequate mechanical means, to record and, if necessary, transcribe proceedings of any hearing. The charges for attendance shall be paid initially to the reporter by the employer or, if insured, by the employer's insurance carrier. The charges shall be taxed as costs and the party initially paying the expense shall be reimbursed by the party or parties taxed with the costs. The compensation court or judge thereof may award and tax such costs and apportion the same between the parties or may order the compensation court to pay such costs as in its discretion it may think right and equitable. If the expense is unpaid, the expense shall be paid by the party or parties taxed with the costs or may be paid by the compensation court. The reporter shall faithfully and accurately report or record the proceedings.".

3. On page 11, line 13, after "48-178," insert "48-179,"; and in line 23 strike "8" and insert "11".

4. On page 12, line 9, after "sections" insert "48-120,"; and in line 10 after the second comma insert "48-163," and after the fourth comma insert "48-180,".

5. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 951. Placed on General File as amended.
Standing Committee amendment to LB 951:
AM2806

1. Insert the following new section:

"Sec. 3. Sections 1 and 2 of this act shall not apply to the following:

(1) A religious corporation, association, or society with respect to employees who (a) perform work primarily connected with the carrying on of the religious activities of such corporation, association, or society or (b) are employed in a school connected with such corporation, association, or society; and

(2) A nonprofit organization with regard to any lawful activity or lawful product when the primary purpose or objective of such organization is to promote, control, limit, or eliminate such lawful activity or the use of such lawful product.".

2. On page 2, strike beginning with "Any" in line 17 through "(2)" in line 19; in line 21 strike "(3)" and insert "(2)"; in line 23 strike "(4)" and insert "(3)"; and in line 25 strike "(5)" and insert "(4)".

3. On page 3, line 1, after "and" insert "reasonable"; strike beginning with "which" in line 5 through "or" in line 7 and insert "or while using or occupying any property of the employer;"; and in line 16 after "rates" insert ";

(3) Establishing permissible blood content levels for alcohol, prescription drugs, and other medications while the employee is on duty, on the employer's premises, or using the employer's equipment; or

(4) Establishing policies regarding employees engaging in lawful activities or using lawful products outside the employer's premises during nonworking hours when such policies relate to conduct, including use of a lawful product, which involves an employer's legitimate conflict of interest policy reasonably designed to protect the employer's trade secrets, proprietary information, or other proprietary interests, compliance with fiduciary responsibilities, or duties and obligations required by law and which policies are communicated to the employee".

4. Renumber the remaining section accordingly.

LEGISLATIVE BILL 39. Indefinitely postponed.
LEGISLATIVE BILL 370. Indefinitely postponed.
LEGISLATIVE BILL 499. Indefinitely postponed.
LEGISLATIVE BILL 690. Indefinitely postponed.
LEGISLATIVE BILL 967. Indefinitely postponed.
LEGISLATIVE BILL 974. Indefinitely postponed.

(Signed) George Coordsen, Chairperson

MOTION - Return LB 21 to Select File

Mr. Moore moved to return LB 21 to Select File for the following specific amendment:
FA262
pg 5 reinsert stricken matter lines 24 and 25
pg 6 reinsert stricken matter on lines 1 and 2

Mr. Hartnett asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Moore withdrew his motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 21.

A BILL FOR AN ACT relating to the Nebraska Ground Water Management and Protection Act; to amend sections 46-658 and 46-674.19, Revised Statutes Supplement, 1991; to eliminate a consent requirement for including certain area in a control area; to change provisions authorizing a tax levy for special ground water quality protection areas and portions of management areas; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 32:

Abboud
Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Byars
Chizek
Coordsen
Crosby
Cudaback
Elmer
Hillman
Horgan
Johnson, R.
Kristensen
Landis
Lindsay
Lynch
Nelson
Pirsch
Rasmussen
Robak
Robinson
Schellpeper
Schimek
Schrock
Warner
Wesely
Wickersham
Will
Withem

Voting in the negative, 6:

Haberman
Hefner
Johnson, L.
Lamb
Moore
Schmit

Present and not voting, 4:

Conway
Dierks
Labedz
Peterson

Excused and not voting, 7:

Ashford
Chambers
Hall
Hartnett
Morrissey
Rogers
Wehrbein

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MR. WARNER PRESIDING

UNANIMOUS CONSENT - Member Excused

Mr. Chizek asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 291. Mr. Will renewed the pending Hall amendment, AM2673, found in the Journal on page 616 and considered on page 715, to the Standing Committee amendment.

Mr. Will asked unanimous consent to replace the pending Hall amendment, AM2673, with a substitute amendment. No objections. So ordered.

Mr. Will withdrew the pending Hall amendment, AM2673, found in the Journal on page 616.

Mr. Baack withdrew his pending amendment, AM2833, found in the Journal on page 759.

Mr. Baack offered the following substitute amendment to the Standing Committee amendment:
AM2859

(Amendments to Standing Committee amendments, AM2314)

1. Strike section 12 and insert the following new section:

"Sec. 12. Any revocation of a person's operator's license pursuant to sections 39-669.07 to 39-669.18 for a third or subsequent time for a period of six years or more may be reduced upon application to the court if the court finds that such applicant has been treated successfully for an alcohol or a drug disorder.".

2. On page 3, line 3, strike "thirty", show as stricken, and insert "five"; in line 6 strike "or subsequent" and show as stricken; in line 8 strike "six months", show as stricken, and insert "one year"; and after line 14 insert:

"Fourth or subsequent conviction

Maximum -- five years imprisonment and ten thousand dollars fine

Mandatory minimum -- one

year imprisonment and five hundred dollars fine".

3. On page 7, lines 14 and 17; page 8, lines 13 and 16; page 9, lines 15, 18, and 22; page 11, line 1; page 15, lines 17 and 21; page 16, lines 18 and 22; page 17, line 22; page 18, lines 2 and 5; and page 19, line 9, strike "ten", show as stricken, and insert "six".

4. On page 11, line 8; and page 19, line 16, strike "ten-year", show as stricken, and insert "six-year".

5. On page 13, strike beginning with "The" in line 16 through line 24.

6. On page 29, line 21, after the last period insert "For purposes of the revocation of an operator's license pursuant to sections 39-669.15 to 39-669.18, the result of any test administered within ninety minutes after the termination of the operation or actual physical control of a motor vehicle shall be presumed to accurately reflect the alcohol concentration or the presence of drugs in the blood, breath, or urine tested at the time such operation or actual physical control terminated if the test is administered in accordance with methods approved by the Department of Health.".

7. On page 36, after line 1, insert the following new subsection:

"(8) An arrested person whose operator's license was impounded for thirty days pursuant to subsection (4) or (5) of this section may make application to the court at the expiration of such thirty-day period for an ignition interlock device if the arrested person shows to the satisfaction of the court that his or her vehicle is necessary for employment purposes.".

8. On page 44, line 9, strike "section 14" and insert "sections 12 and 14".

9. On page 53, line 22, strike "39-669.16,".

Mr. Wesely asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Baack moved for a call of the house. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Mr. Kristensen requested a roll call vote on the Baack amendment.

Voting in the affirmative, 20:

Abboud
Baack
Bernard-Stevens
Beutler
Conway
Cudaback
Hartnett
Hillman
Horgan
Johnson, R.
Labedz
Landis
Lindsay
Lynch
Robak
Schellpeper
Schmit
Wickersham
Will
Withem

Voting in the negative, 17:

Beyer
Bohlke
Byars
Coordsen
Crosby
Dierks
Elmer
Haberman
Hefner
Johnson, L.
Kristensen
Lamb
Pirsch
Rasmussen
Robinson
Schrock
Warner

Present and not voting, 4:

Moore
Nelson
Peterson
Schimek

Excused and not voting, 8:

Ashford
Chambers
Chizek
Hall
Morrissey
Rogers
Wehrbein
Wesely

The Baack amendment was adopted with 20 ayes, 17 nays, 4 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Mr. Lindsay withdrew his pending amendment, AM2669, found in the Journal on page 617.

Mr. Will withdrew the pending Hall amendments, AM2672 and AM2665, found in the Journal on page 616.

Mr. Will withdrew his pending amendment, AM2668, found in the Journal on page 617.

Mr. Bernard-Stevens renewed his pending amendment, AM2786, found in the Journal on page 733, to the Standing Committee amendment.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Bernard-Stevens requested a roll call vote on his amendment.

Voting in the affirmative, 4:

Bernard-Stevens
Hartnett
Robinson
Withem

Voting in the negative, 25:

Baack
Beutler
Beyer
Bohlke
Byars
Conway
Crosby
Cudaback
Hefner
Hillman
Horgan
Johnson, L.
Kristensen
Lamb
Lynch
Moore
Pirsch
Rasmussen
Schellpeper
Schimek
Schrock
Warner
Wehrbein
Wickersham
Will

Present and not voting, 12:

Abboud
Coordsen
Dierks
Elmer
Haberman
Johnson, R.
Landis
Lindsay
Nelson
Peterson
Robak
Schmit

Excused and not voting, 8:

Ashford
Chambers
Chizek
Hall
Labedz
Morrissey
Rogers
Wesely

The Bernard-Stevens amendment lost with 4 ayes, 25 nays, 12 present and not voting, and 8 excused and not voting.

Ms. Schimek asked unanimous consent to be excused until she returns. No objections. So ordered.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 910A. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 910, Ninety-second Legislature, Second Session, 1992.

LEGISLATIVE BILL 896A. Introduced by Withem, 14.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 896, Ninety-second Legislature, Second Session, 1992.

LEGISLATIVE BILL 1006A. Introduced by Landis, 46.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1006, Ninety-second Legislature, Second Session, 1992; and to declare an emergency.

ANNOUNCEMENT

The Health and Human Services Committee designates LB 1019 as its priority bill.

STANDING COMMITTEE REPORTS

Education

LEGISLATIVE BILL 1290. Indefinitely postponed.

(Signed) Ron Withem, Chairperson

Transportation

LEGISLATIVE BILL 1067. Placed on General File.

LEGISLATIVE BILL 519. Indefinitely postponed.
LEGISLATIVE BILL 1111. Indefinitely postponed.

(Signed) Doug Kristensen, Chairperson

Health and Human Services

LEGISLATIVE BILL 1278. Placed on General File.

LEGISLATIVE BILL 725. Placed on General File as amended.
(Standing Committee amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM2539.)

LEGISLATIVE BILL 987. Placed on General File as amended.
Standing Committee amendment to LB 987:
AM2815

1. On page 5, line 3, strike "Provide" and insert "Promote"; in line 6 strike "provide" and insert "promote"; in line 9 strike beginning with "a" through the comma; in line 12 strike beginning with the period through "include" and insert "including"; strike lines 13 and 14; in line 15 strike "(2)" and insert "(1)"; in line 17 strike "(3)" and insert "(2)"; and in line 20 strike "(4)" and insert "(3)".
2. On page 7, line 9, strike "state-operated".

LEGISLATIVE BILL 1019. Placed on General File as amended.
(Standing Committee amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM2816.)

LEGISLATIVE BILL 1099. Placed on General File as amended.
Standing Committee amendment to LB 1099:
AM2688

1. Strike original section 2.
2. On page 3, strike beginning with "The" in line 11 through line 20.
3. On page 4, line 6, after the period insert "The Director of Health shall submit the names of the state employees identified as potential bone marrow donors to a bone marrow registry authorized by the United States Congress.".
4. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 1138. Placed on General File as amended.
(Standing Committee amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM2788.)

LEGISLATIVE BILL 1236. Placed on General File as amended.

Standing Committee amendment to LB 1236:
AM2835

1. Strike original sections 1 to 8 and insert the following new sections:

"Section 1. For purposes of sections 1 to 3 of this act:

(1) Registered environmental health specialist and registered environmental health specialist trainee shall mean a person qualified in accordance with section 2 of this act; and

(2) Environmental health specialist shall mean a person who by education and experience in the physical, biological, and sanitary sciences, is qualified to carry out educational, investigational, and technical duties in the field of environmental sanitation.

Sec. 2. (1) A registered environmental health specialist shall mean an environmental health specialist who:

(a) Has a baccalaureate or postbaccalaureate degree in environmental health from a college or university curriculum approved by the National Environmental Health Science and Protection Accreditation Council or from a college or university accredited by a nationally recognized accreditation agency; or

(b) Has obtained a baccalaureate degree following a course of study including (i) an algebra or higher-level mathematics course, (ii) thirty semester hours or forty-five quarter hours in the basic sciences which may include biology, chemistry, physics, other physical sciences, or sanitary engineering, and (iii) two or more years of experience in environmental health; and

(c) Has passed an examination given and conducted by the National Environmental Health Association or comparable testing service.

(2) An environmental health specialist who meets the requirements of subdivisions (1)(b)(i) and (1)(b)(ii) of this section but lacks the required experience shall be a registered environmental health specialist trainee.

(3) An environmental health specialist who is

registered by the National Environmental Health Association or by another state shall be recognized as a registered environmental health specialist for the purposes of sections 1 to 3 of this act.

Sec. 3. Only a person qualified in accordance with section 2 of this act may use the title Registered Environmental Health Specialist and the abbreviation R.E.H.S. after his or her name. It shall be unlawful for any person to represent himself or herself as a registered environmental health specialist without meeting the qualifications of such section. Any person who violates this section shall be guilty of a Class III misdemeanor.".

2. On page 8, line 18, strike "1" and insert "2".

3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 421. Indefinitely postponed.
LEGISLATIVE BILL 791. Indefinitely postponed.
LEGISLATIVE BILL 1058. Indefinitely postponed.

(Signed) Don Wesely, Chairperson

GENERAL FILE

LEGISLATIVE BILL 922. Title read. Considered.

Mr. Horgan asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Beutler offered the following amendment:
AM2868

1. On page 3, after line 2 insert the following new subsection:

"(5) The incorporation of the multicultural education program into the curriculum of each district shall not change (a) the number of instructional hours prescribed for elementary and high school students or (b) the number of instructional hours dedicated to the existing curriculum of each district.".

SPEAKER BAACK PRESIDING

Messrs. Schmit, Peterson, and Schellpeper asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bill: 21.

GENERAL FILE

LEGISLATIVE BILL 922. The pending Beutler amendment, AM2868, found in this day's Journal, was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Wehrbein asked unanimous consent to print the following amendment to LB 275 in the Journal. No objections. So ordered.

AM2548

1. On page 2, strike lines 8 through 12 and all amendments thereto and insert the following new subdivision:

"(2) Commercial use shall mean sale for retail consumption or sale for resale, for manufacture for resale, or for processing for resale;".

2. On page 5, line 16, after "units" insert "from which the purchaser purchases milk"; and in line 18 strike "with" and insert "which purchases milk from".

3. On page 6, strike beginning with the comma in line 6 through the second comma in line 7 and all amendments thereto.

4. On page 7, line 1, strike "purchased by" and insert "from which" and after "milk" insert "purchases milk".

5. On page 11, line 7, strike "commercially used and"; and in line 18 strike "its first purchase"

and insert "such sale and such sale is the first purchase of the milk for commercial use".

6. On page 15, line 2, strike "this" and after "section" insert "12 of this act"; in line 4 strike "by" and insert "on"; and in lines 16 and 18 strike "if" and insert "on the date as of which".

Mr. Wehrbein asked unanimous consent to print the following amendment to LB 950 in the Journal. No objections. So ordered.

AM2852

1. On page 3, line 1, before "The" insert "(1) The officers and employees of the city shall receive such compensation as the mayor and council shall fix by ordinance.

(2)"; and in line 14 after the period insert "(3)".

Mr. Beutler asked unanimous consent to print the following amendment to LB 306 in the Journal. No objections. So ordered.

AM2874

1. On page 4, strike beginning with "The" in line 4 through line 14 and insert "The water of every natural stream within the State of Nebraska, including the Missouri River, is hereby declared to be subject to appropriation for recovery and beneficial use by public water suppliers.".

2. On page 9, line 15, strike "or (4)".

NOTICE OF COMMITTEE HEARINGS

Judiciary

LB 1270	Thursday, February 20, 1992 (Cancelled)	1:30 p.m.
LB 1270	Wednesday, February 19, 1992 (Reset)	1:30 p.m.

(Signed) Jerry Chizek, Chairperson

Revenue

LB 1192	Thursday, February 20, 1992 (Cancelled)	1:30 p.m.
LB 1192	Wednesday, February 19, 1992 (Reset)	1:30 p.m.

(Signed) Timothy Hall, Chairperson

ANNOUNCEMENT

Mr. Wesely designates LB 145 as his priority bill.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 922A. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 922, Ninety-second Legislature, Second Session, 1992.

VISITORS

Visitors to the Chamber were Colleen Mayo from Omaha; Bill Fulcher from Sutherland; students and sponsor from the University of Nebraska and Creighton University; and 40 students from St. Margaret Mary School, Omaha.

ADJOURNMENT

At 11:58 a.m., on a motion by Mr. Byars, the Legislature adjourned until 9:00 a.m., Wednesday, February 12, 1992.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-FIFTH DAY - FEBRUARY 12, 1992

LEGISLATIVE JOURNAL

NINETY-SECOND LEGISLATURE
SECOND SESSION

TWENTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 12, 1992

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Baack presiding.

PRAYER

The prayer was offered by Pastor Michael McGregor, First United Methodist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Morrissey and Wesely who were excused; and Messrs. Abboud, Ashford, Chambers, Chizek, Conway, Hall, Horgan, Landis, Schmit, Will, Withem, Mmes. Pirsch, and Rasmussen who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-fourth day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 879. Placed on Select File.
LEGISLATIVE BILL 999. Placed on Select File.
LEGISLATIVE BILL 1000. Placed on Select File.

LEGISLATIVE BILL 934. Placed on Select File as amended.
E & R amendment to LB 934:

AM5250

1. On page 4, line 17, after the period insert paragraphing.

2. On page 11, strike beginning with "Such" in line 21 through the period in line 23 and show as stricken.

3. On page 17, line 17, after the period insert "(1)"; in line 18 strike "(1)", show as stricken, and insert "(a)"; and in line 21 strike "(2)", show as stricken, and insert "(b)".

4. On page 18, line 4, before "All" insert "(2)"; in line 5 strike "(1)" and insert "(1)(a)"; in line 13 before "Membership" insert "(3)"; and in line 21 strike "(2)", show as stricken, and insert "(1)(b)".

5. On page 19, line 20, after "application" insert an underscored comma.

6. On page 20, line 25, strike "shall not be", show as stricken, and insert "is not".

7. On page 22, line 15, strike "Should", show as stricken, and insert "If"; and in line 16 strike "refuse", show as stricken, and insert "refuses".

LEGISLATIVE BILL 965. Placed on Select File as amended.
E & R amendment to LB 965:
AM5248

1. On page 3, lines 13 and 24 and 25, strike "sections 66-801 to 66-820", show as stricken, and insert "the Nebraska Gasohol and Energy Development Act"; and in line 16 after the first comma insert "will".

2. On page 4, line 23, strike "become", show as stricken, and insert "becomes"; and in line 25 "18" has been struck, shown as stricken, and "16" inserted.

LEGISLATIVE BILL 759. Placed on Select File as amended.
E & R amendment to LB 759:
AM5249

1. On page 2, line 23; page 3, lines 6 and 9; and page 6, line 6, strike "documents" and insert "document".

2. On page 3, line 9, after "updating" insert "a".

3. On page 5, line 11, after "plans" insert

an underscored comma; and in line 12 reinstate the stricken comma.

4. On page 6, lines 7, 11, and 17, strike "disclosures", show as stricken, and insert "disclosure document".

LEGISLATIVE BILL 175. Placed on Select File.

(Signed) Eric Will, Chairperson

STANDING COMMITTEE REPORTS

Nebraska Retirement Systems

LEGISLATIVE BILL 1040. Placed on General File as amended.
Standing Committee amendment to LB 1040:
AM2753

1. On page 3, lines 1 and 4, after "employee's" insert "mandatory".

(Signed) Arlene Nelson, Chairperson

General Affairs

LEGISLATIVE BILL 352. Indefinitely postponed.
LEGISLATIVE BILL 717. Indefinitely postponed.

(Signed) Stan Schellpeper, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 11, 1992, at 1:40 p.m., was the following bill: 21.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

MESSAGE FROM THE GOVERNOR

February 11, 1992

Patrick J. O'Donnell
Clerk of the Legislature

State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 871e, 398, 523, and 682 were received in my office on February 7, 1992.

These bills were signed by me on February 11, 1992, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

MOTION - Approve Appointments

Mr. Kristensen moved the adoption of the report of the Transportation Committee for the following Governor appointments found in the Journal on page 765: Allan Abbott - Director, Department of Roads and Donna Wanitschke and John McLellan, Jr. - Nebraska State Highway Commission.

Voting in the affirmative, 27:

Baack
Beyer
Bohlke
Byars
Coordsen
Crosby
Cudaback
Dierks
Elmer
Haberman
Hartnett
Hefner
Hillman
Johnson, R.
Kristensen
Lamb
Landis
Lynch
Moore
Peterson
Rogers
Schellpeper
Schimek
Schrock
Warner
Wehrbein
Wickersham

Voting in the negative, 0.

Present and not voting, 7:

Bernard-Stevens
Beutler
Johnson, L.
Labedz
Nelson
Robak
Robinson

Excused and not voting, 15:

Abboud
Ashford
Chambers
Chizek
Conway
Hall
Horgan
Lindsay
Morrissey
Pirsch
Rasmussen
Schmit
Wesely
Will
Withem

These appointments were confirmed with 27 ayes, 0 nays, 7 present and not voting, and 15 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 269.

A BILL FOR AN ACT relating to installment sales; to amend sections 45-338 and 45-342, Reissue Revised Statutes of Nebraska, 1943, and section 45-335, Revised Statutes Supplement, 1990; to redefine a term; to permit an origination fee; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 33:

Baack
Bernard-Stevens
Beyer
Bohlke
Byars
Coordsen
Crosby
Cudaback
Dierks
Elmer
Haberman
Hartnett
Hefner
Hillman
Johnson, L.
Johnson, R.
Kristensen
Labedz
Lamb
Landis
Lynch
Moore
Nelson
Peterson
Robak
Robinson
Rogers
Schellpeper
Schimek
Schrock
Warner
Wehrbein
Wickersham

Voting in the negative, 0.

Present and not voting, 1:

Beutler

Excused and not voting, 15:

Abboud
Ashford
Chambers
Chizek
Conway
Hall
Horgan
Lindsay
Morrissey
Pirsch
Rasmussen
Schmit
Wesely
Will
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 49.

A BILL FOR AN ACT relating to water; to amend section 46-252, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to conducting water into or along natural streams or channels; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Ashford
Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Byars
Chizek
Coordsen
Crosby
Cudaback
Dierks
Elmer
Haberman
Hartnett
Hefner
Hillman
Johnson, L.
Johnson, R.
Kristensen
Labedz
Lamb
Landis
Lynch
Moore
Nelson
Peterson
Robak
Robinson
Rogers
Schellpeper
Schimek
Schmit
Schrock
Warner
Wehrbein
Wickersham

Voting in the negative, 0.

Excused and not voting, 12:

Abboud
Chambers
Conway
Hall
Horgan
Lindsay
Morrissey
Pirsch
Rasmussen
Wesely
Will
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 312.

A BILL FOR AN ACT relating to animals; to provide liability for releasing certain animals; to define a term; and to provide an exception.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Ashford
Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Byars
Chizek
Coordsen
Crosby
Cudaback
Dierks
Elmer
Haberman
Hartnett
Hefner
Hillman
Johnson, L.
Johnson, R.
Kristensen
Labedz
Lamb
Landis
Lynch
Moore
Nelson
Peterson
Rasmussen
Robak
Robinson
Rogers
Schellpeper
Schmit
Schrock
Warner
Wehrbein
Wickersham

Voting in the negative, 0.

Present and not voting, 1:

Schimek

Excused and not voting, 11:

Abboud
Chambers
Conway
Hall
Horgan
Lindsay
Morrissey
Pirsch
Wesely
Will
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 434.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-2002, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to joinder of offenses and defendants as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Ashford
Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Byars
Chizek
Coordsen
Crosby
Cudaback
Dierks
Elmer
Haberman
Hartnett
Hefner
Hillman
Johnson, L.
Johnson, R.
Kristensen
Labedz
Lamb
Landis
Lynch
Nelson
Peterson
Rasmussen
Robak
Robinson
Rogers
Schellpeper
Schimek
Schmit
Schrock
Warner
Wehrbein
Wickersham

Voting in the negative, 0.

Present and not voting, 1:

Moore

Excused and not voting, 11:

Abboud
Chambers
Conway
Hall
Horgan
Lindsay
Morrissey
Pirsch
Wesely
Will
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 435.

A BILL FOR AN ACT relating to courts; to amend section 29-1901, Revised Statutes Supplement, 1990; to change provisions relating to payment of certain witness fees and mileage as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Ashford
Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Byars
Chizek
Coordsen
Crosby
Cudaback
Dierks
Elmer
Haberman
Hartnett
Hefner
Hillman
Johnson, L.
Johnson, R.
Kristensen
Labedz
Lamb
Landis
Lynch
Moore
Nelson
Peterson
Rasmussen
Robak

Robinson
Rogers
Schellpeper
Schimek
Schmit
Schrock
Warner
Wehrbein
Wickersham
Will

Voting in the negative, 0.

Excused and not voting, 10:

Abboud
Chambers
Conway
Hall
Horgan
Lindsay
Morrissey
Pirsch
Wesely
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 560.

A BILL FOR AN ACT relating to state agencies; to amend section 81-8,239.01, Revised Statutes Supplement, 1991; to authorize the Attorney General to represent certain persons; to provide for indemnification for civil rights violations as prescribed; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Ashford
Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Byars
Chizek
Coordsen
Crosby
Cudaback
Dierks
Elmer
Haberman
Hartnett
Hefner
Hillman
Johnson, L.
Johnson, R.
Kristensen
Labedz
Lamb
Landis
Lynch
Moore
Nelson
Peterson
Rasmussen
Robak
Robinson
Rogers
Schellpeper
Schimek
Schmit
Schrock
Warner
Wehrbein
Wickersham
Will

Voting in the negative, 0.

Excused and not voting, 10:

Abboud
Chambers
Conway
Hall
Horgan
Lindsay
Morrissey
Pirsch
Wesely
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 643.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-377, Reissue Revised Statutes of Nebraska, 1943, and section 28-726, Revised Statutes Supplement, 1990; to change provisions relating to access to the records of certain abused or neglected persons as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Ashford
Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Byars
Chizek
Coordsen
Crosby
Cudaback
Dierks
Elmer
Haberman
Hartnett
Hefner
Hillman
Johnson, L.
Johnson, R.
Kristensen
Labedz
Lamb
Landis
Moore
Nelson
Peterson
Rasmussen
Robak
Robinson
Rogers
Schellpeper
Schimek
Schmit
Schrock
Warner
Wehrbein
Wickersham
Will

Voting in the negative, 0.

Present and not voting, 1:

Lynch

Excused and not voting, 10:

Abboud
Chambers
Conway
Hall
Horgan
Lindsay
Morrissey
Pirsch
Wesely
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

GENERAL FILE

LEGISLATIVE BILL 306. Title read. Considered.

Standing Committee amendment, AM0895, found in the Journal on page 1289, First Session, 1991, lost with 0 ayes, 24 nays, 16 present and not voting, and 9 excused and not voting.

Mr. Beutler withdrew his pending amendment, AM2820, found in the Journal on page 736.

Mr. Beutler renewed his pending amendment, AM2874, found in the Journal on page 787.

Pending.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 269, 49, 312, 434, 435, 560, and 643.

GENERAL FILE

LEGISLATIVE BILL 306. The Beutler pending amendment, AM2874, found in the Journal on page 787 and considered in this day's Journal, was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Pending.

MESSAGE FROM THE GOVERNOR

February 12, 1992

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 671 and 696 were received on February 10, 1992.

These bills were signed by me on February 12, 1992, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 12, 1992, at 10:25 a.m., were the following bills: 269, 49, 312, 434, 435, 560, and 643.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

EXPLANATION OF VOTE

Had I been present, I would have voted yes on the Final Passage of LB 671.

(Signed) Rod Johnson

STANDING COMMITTEE REPORTS
Transportation

The Committee on Transportation desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Larry Sitzman - Nebraska Railway Council
Frank E. Landis - Nebraska Railway Council

VOTE: Aye: Senators Beyer, Byars, Horgan, Kristensen, Pirsch, and Wickersham. Nay: none. Absent: Senators Peterson and Robak.

(Signed) Doug Kristensen, Chairperson

The Committee on Transportation desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Kenneth M. Lemke - Railway Council

VOTE: Aye: Senators Beyer, Byars, Horgan, Kristensen, and Wickersham. Nay: none. Absent: Senators Peterson, Pirsch, and Robak.

(Signed) Doug Kristensen, Chairperson

NOTICE OF COMMITTEE HEARINGS
Rules

Senator Wesely's proposed Rule change found on Journal page 2271, First Session, 1991	Tuesday, March 3, 1992	1:00 p.m.

(Signed) Daniel Lynch, Chairperson

General Affairs

LB 1175	Monday, February 24, 1992 (Cancelled)	1:30 p.m.
LB 1175	Tuesday, February 25, 1992 (Reset)	1:30 p.m.
LB 1188	Monday, February 24, 1992 (Cancelled)	1:30 p.m.
LB 1188	Tuesday, February 25, 1992 (Reset)	1:30 p.m.
LB 1267	Monday, February 24, 1992 (Cancelled)	1:30 p.m.
LB 1267	Tuesday, February 25, 1992 (Reset)	1:30 p.m.

Governor Appointments Monday, February 24, 1992 (Cancel) 1:30 p.m.
Donna N. Williams - Nebraska Arts Council
Al Davis - Nebraska Arts Council
Sonia M. Breslow - Nebraska Arts Council
Donald N. Dworak - Nebraska Liquor Control Commission

Governor Appointments Tuesday, February 25, 1992 (Reset) 1:30 p.m.
Donna N. Williams - Nebraska Arts Council
Al Davis - Nebraska Arts Council
Sonia M. Breslow - Nebraska Arts Council
Donald N. Dworak - Nebraska Liquor Control Commission

(Signed) Stan Schellpeper, Chairperson

STANDING COMMITTEE REPORT
Nebraska Retirement Systems

LEGISLATIVE BILL 672. Placed on General File as amended.
Standing Committee amendment to LB 672:

AM2558

1. Strike the original sections and insert the following new sections:

"Section 1. That section 16-1026, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

16-1026. At least once every five years, the retirement committee shall cause the liability of the Firefighters Retirement System Fund to be evaluated by an actuary who is a member of the American Academy of Actuaries. Such actuary shall report to the retirement committee and the city as to the soundness and solvency of the fund in relation to projected plan liabilities and the amount of annual deposits by the city which would be sufficient to provide for such liabilities. The costs of the evaluations and reports shall be paid by the city. ~~For any city for which the most recent actuarial report shows that the assets of the unallocated employer account are sufficient to provide for the projected plan liabilities and that additional contributions to this account will not be required no further actuarial evaluation shall be required.~~

Sec. 2. That section 16-1027, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

16-1027. (1) At any time before the retirement date, the retiring firefighter may elect to receive his or her pension benefit either in the form of a straight life annuity or any optional form of annuity benefit specified in the group annuity contract. The retiring firefighter may further elect to defer the date of the first payment to the first day of any specified month prior to age seventy. In any case, the amount of the pension benefit shall be the amount purchased or otherwise provided by the retirement value as of the date of the first payment.

(2) For all firefighters employed on January 1, 1984, the amount of the pension benefit shall not be less than the following amounts:

(a) If retirement occurs following age fifty-five with twenty-one years of service, fifty percent of regular pay;

(b) If retirement occurs on or after age fifty-five with less than twenty-one years of service, such firefighter shall receive a pension of at least fifty percent of the salary he or she was receiving at the time of retirement multiplied by the ratio of the years of service to twenty-one;

(c) At the death of any such retired firefighter, the same rate of pension, as is provided for in this section, shall be paid to the surviving spouse of such deceased firefighter during such time as the surviving spouse ~~shall remain~~ remains unmarried and, in case there ~~be~~ is no surviving spouse, then the minor children, if any, of such deceased firefighter, shall be paid such pension during their minority, ~~to the age of eighteen years,~~ except that as soon as a child of such deceased firefighter ~~shall become eighteen years of age~~ ceases to be a minor, such pension as to such child shall cease; or

(d) In the event a retired firefighter or his or her surviving beneficiaries die before the aggregate amount of pension payments received by the firefighter and his or her survivor beneficiaries, if any, equals the total amount in the employee's account, including interest, the difference between the total amount in the employee's account and the aggregate amount of pension payments received by the retired firefighter and his or her surviving beneficiaries, if any, shall be paid in a single sum to the firefighter's duly qualified personal representative, except that if the difference is less than five hundred dollars, the city may pay the same to such claimant or claimants as the retirement committee, in its discretion, ~~shall determine~~ determines to be entitled to the funds.

(3) Any retiring firefighter whose pension benefit is less than twenty-five dollars per month on the straight life annuity option shall be paid a lump-sum settlement equal to the retirement value in lieu of annuity.

Sec. 3. That section 16-1034, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

16-1034. A retirement committee shall be established to supervise the general operation of the retirement system established pursuant to sections

16-1020 to 16-1038. The governing body of the city shall ~~continue to~~ be responsible for the general administration of such retirement system unless specific functions or all functions with regard to the administration of the retirement system are delegated, by ordinance, to the retirement committee. All costs incurred with regard to the administration of the retirement system shall be paid by the city as provided in section 7 of this act.

Sec. 4. That section 16-1035, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

16-1035. Each retirement committee established pursuant to section 16-1034 shall consist of six members of which four members shall be selected by the active paid firefighters excluding firefighters identified in section 16-1039. Two members shall be designated by the city council. The members who are not participants in such retirement system shall have a general knowledge of retirement plans. Members of the governing body of such city, active members of the fire department, and members of the general public may serve on the retirement committee. The committee members shall be appointed to four-year terms. Vacancies shall be filled for the remainder of the term by a person with the same representation as his or her predecessor. Members of the retirement committee shall ~~receive no salary and shall not be compensated for expenses~~ be reimbursed for their actual and necessary expenses incurred in carrying out their duties.

Sec. 5. That section 16-1036, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

16-1036. (1) The funds ~~of the retirement system~~ in the Firefighters Retirement System Fund shall be invested by the retirement committee. The city, subject to the approval of the retirement ~~or~~ committee, shall contract with an insurance company, trust company, or other financial institution, including, but not limited to, brokerage houses, investment managers, savings and loan associations, banks, credit unions, or lenders approved by the Farmers Home Administration or ~~Veterans' Administration approved lenders~~ United States

Department of Veterans Affairs. Such funds shall be invested pursuant to the policies established by the Nebraska Investment Council.

(2) The retirement committee shall establish an investment plan which allows each member of the retirement system to allocate all contributions to his or her employee account to the various investment options or combinations of investment options described in such plan. Each firefighter shall have the option of investing his or her employee account in increments of twenty-five percent in any proportion, including full allocation, in any investment option offered by the plan. Each firefighter shall be given a summary of the investment plan and a detailed current description of each investment option prior to making or revising his or her allocation.

Sec. 6. That section 16-1037, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

16-1037. It shall be the duty of the retirement committee to:

(1) Elect a chairperson, a vice-chairperson, and such other officers as the committee deems appropriate;

(2) Hold regular quarterly meetings and special meetings upon the call of the chairperson;

(3) Maintain a record of the proceedings of each meeting;

(4) Provide each employee a summary of plan eligibility requirements, ~~and~~ benefit provisions, and investment options available to such employee;

~~(2)~~ (5) Provide, within thirty days after a request is made by a participant, a statement describing the amount of benefits such participant is eligible to receive;

~~(3)~~ (6) Make available for review an annual report of the system's operations describing both (a) the amount of contributions to the system from both employee and employer sources and (b) an identification of the total assets of the retirement system; and

~~(4)~~ (7) Have an analysis made of the investment return that has been achieved on the ~~assets~~ funds of the ~~retirement system administered~~ Firefighters

Retirement System Fund invested by the committee. Such analysis shall be prepared as of January 1, 1989, and ~~each~~ at least once every five years thereafter. The analysis shall be prepared by an independent private organization or public entity which has demonstrated expertise to perform this type of analysis and which is unrelated to any organization offering investment advice or which provides investment management services to the retirement system.

Sec. 7. The city and the retirement committee shall develop a schedule of investment costs relating to the investment of the funds in each of the accounts in the Firefighters Retirement System Fund, which costs shall be paid out of the funds in such accounts or assessed to the firefighters as provided in such schedule. The schedule of investment costs shall provide for the allocation of the administrative or record-keeping costs of the various investment options available to the members of the retirement system and shall assess such costs so that each member pays a fair proportion of the costs based upon his or her choice of options and number of transfers among options. All other costs related to the general operation of the retirement system established pursuant to sections 16-1020 to 16-1038 and not allocated or assessed pursuant to the schedule of investment costs shall be considered administrative costs and shall be paid by the city.

Sec. 8. The Revisor of Statutes shall assign section 7 of this act within sections 16-1020 to 16-1038 and any reference to sections 16-1020 to 16-1038 shall be construed to include section 7 of this act.

Sec. 9. That original sections 16-1026, 16-1027, and 16-1034 to 16-1037, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

(Signed) Arlene Nelson, Chairperson

GENERAL FILE

LEGISLATIVE BILL 306. Mr. Moore offered the following amendment:
FA263

Strike Section 2 from the bill

Mr. Moore requested a record vote on his amendment.

Voting in the affirmative, 10:

Bernard-Stevens
Coordsen
Johnson, L.
Johnson, R.
Lamb
Moore
Nelson
Schellpeper
Schrock
Wickersham

Voting in the negative, 15:

Abboud
Beutler
Chizek
Crosby
Elmer
Hartnett
Labedz
Landis
Lindsay
Pirsch
Rasmussen
Schimek
Warner
Wehrbein
Will

Present and not voting, 21:

Ashford
Baack
Beyer
Bohlke
Byars
Chambers
Conway
Cudaback
Dierks
Haberman
Hefner
Hillman
Horgan
Kristensen
Lynch
Peterson
Robak
Robinson
Rogers
Schmit
Withem

Excused and not voting, 3:

Hall
Morrissey
Wesely

The Moore amendment lost with 10 ayes, 15 nays, 21 present and not voting, and 3 excused and not voting.

Mr. Beutler moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. Moore requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 28:

Abboud
Ashford
Baack
Bernard-Stevens
Beutler
Beyer
Byars
Chambers
Chizek
Conway
Crosby
Elmer
Hartnett
Hillman
Horgan
Labedz
Landis
Lindsay
Lynch
Pirsch
Rasmussen
Robinson
Rogers
Schimek

Warner Wehrbein Will Withem

Voting in the negative, 15:

Bohlke
Coordsen
Cudaback
Dierks
Haberman
Hefner
Johnson, L.
Johnson, R.
Kristensen
Lamb
Moore
Peterson
Schellpeper
Schmit
Wickersham

Present and not voting, 3:

Nelson Robak Schrock

Excused and not voting, 3:

Hall Morrissey Wesely

Advanced to E & R for review with 28 ayes, 15 nays, 3 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 428. Title read. Considered.

Standing Committee amendment, AM2538, printed separately from the Journal and referred to on page 629, was considered.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

The Standing Committee amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 447. Title read. Considered.

Standing Committee amendment, AM2639, found in the Journal on page 591, was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mr. Bernard-Stevens offered the following amendment:
AM2862

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. (1) Although the Department of Correctional Services and the Division of Juvenile Services of the department have made great efforts and attempts to adequately serve troubled juveniles in Nebraska, it has long been recognized that juvenile corrections carries a mission, philosophy, and mandate substantially different than adult corrections. For the mission, philosophy, and mandate of juvenile corrections to be successfully implemented, the Legislature finds that a state juvenile services implementation plan is necessary.

(2) It is the intent of the Legislature that the Youth Services Planning Commission shall be created, the function of which shall be to provide a state juvenile services implementation plan to provide a method for the delivery of comprehensive services and programs for juveniles. Such comprehensive services and programs shall require the coordination and collaboration of state agencies and regional and local service providers. The purpose of the plan shall be to facilitate optimum service delivery, to prevent delinquency, and to reduce the incidence of recidivism among juveniles through the provision of prevention, rehabilitation, and treatment services and programs through a system based on the prudent management of resources.

(3) It is further the intent of the Legislature that, upon presentation to the Legislature and legislative approval of the state juvenile services implementation plan, the Office of Youth Services shall be established, the function of which shall be to provide comprehensive services and programs for juveniles as prescribed in the plan.

Sec. 2. There is hereby created the Youth Services Planning Commission. The commission shall consist of the following members: The Commissioner of Education, the Director of Correctional Services, the Director of the Foster Care Review Board, the Director of Public Institutions, the Director of Social Services, the Executive Director of the Nebraska Commission on Law

Enforcement and Criminal Justice, the probation administrator of the Office of Probation Administration, a judge of a separate juvenile court or of a county court sitting as a juvenile court appointed by the Governor, and two members of the Legislature appointed by the Governor. The appointments to the commission shall be made no later than July 16, 1992.

The Governor shall appoint a person other than a person listed in this section to serve as an autonomous chairperson of the commission. At a minimum, the chairperson shall have administrative experience in juvenile rehabilitative and treatment programs and educational qualifications and training which enable him or her to coordinate the commission in a manner consistent with the intent and purpose of the commission. The appointment of the chairperson and the first meeting of the commission shall be no later than July 16, 1992.

The members of the commission shall assist and advise the chairperson in developing the state juvenile services implementation plan and shall consult with groups, entities, or individuals who may be affected by the proposed plan. The commission shall present the plan to the Legislature and the Governor by September 1, 1993.

Sec. 3. (1) The Youth Services Planning Commission shall include the following continuum of services and programs in the state juvenile services implementation plan:

(a) Intake and assessment;

(b) Case management staff, including probation;

(c) Secure facilities and detention programs, including home detention and other alternatives to detention;

(d) Educational, vocational, and social counseling programs;

(e) Community-based services for juveniles and their families;

(f) Administration of the Youth Development Center-Kearney and the Youth Development Center-Geneva and any other secure public juvenile facilities as may become necessary in the future;

(g) Juvenile parole staff and after care services, including follow-up services;

(h) Other programs, services, consultants, or staff necessary to fulfill the mandate of the commission; and

(i) Coordination of services and programs with the Children with Disabilities and Family Service System Act and the state plan implemented pursuant to such act.

(2) The state juvenile services implementation plan shall include, at a minimum, feasibility and cost analyses for the establishment of the Office of Youth Services, a time frame for operational responsibilities, and a complete listing of all services and programs and the geographic proximity of such services and programs, including the services and programs listed in section 2 of this act, and programs, facilities, and personnel which will be required for the office to commence operation. The plan shall also include an examination of existing state resources and consideration of reorganization and restructuring of such resources to meet the needs of troubled juveniles.

Sec. 4. (1) The chairperson of the Youth Services Planning Commission shall be temporarily housed with the Nebraska Commission on Law Enforcement and Criminal Justice but shall assume leadership, responsibility, and authority regarding the development of the state juvenile services implementation plan.

(2) It is the intent of the Legislature that any money appropriated by the Legislature to carry out the state juvenile services implementation plan shall be appropriated to the Nebraska Commission on Law Enforcement and Criminal Justice.".

Mr. Cudaback asked unanimous consent to be excused. No objections. So ordered.

Mr. Bernard-Stevens offered the following amendment to his pending amendment:
AM2893

(Amendments to AM2862)

1. On page 4, line 22, strike "and".

2. On page 5, line 1, after "act" insert "; and

(j) Coordination of services and programs with the Children and Family Policy Office"; and strike beginning with "to" in line 22 through "plan" in line 23 and insert "for the Youth Services Planning Commission to carry out sections 1 to 4 of this act".

The Bernard-Stevens amendment was adopted with 20 ayes, 0 nays, 24 present and not voting, and 5 excused and not voting.

The Bernard-Stevens amendment, AM2862, as amended, was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 946. Title read. Considered.

Mmes. Rasmussen, Nelson, Messrs. R. Johnson, Haberman, Rogers, Elmer, Robinson, and Horgan asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 25 ayes, 5 nays, 7 present and not voting, and 12 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 664. Placed on Select File as amended.
E & R amendment to LB 664:
AM5253

1. In the Standing Committee amendment, AM0706:

a. On page 1, line 15, strike "printers", show as stricken, and insert "equipment and service"; and

b. On page 2, line 5, after "9-415" insert ", Uniform Commercial Code,".

2. On page 1, strike beginning with "the" in line 1 through line 9 and insert "filings; to amend sections 9-403, 9-411, and 9-420, Uniform Commercial Code; to authorize the acceptance of credit cards for payment of filing fees and the acceptance of telefaxed

documents; to provide duties relating to disposition and arrangement of certain statements; to increase a fee; to require the Secretary of State to provide certain equipment and service; and to repeal the original sections.".

LEGISLATIVE BILL 787. Placed on Select File as amended.
E & R amendment to LB 787:
AM5251

1. In the Standing Committee amendment, AM0644, on page 1, line 2, strike "homeowner".

2. On page 1, line 6, strike "declaration" and insert "master deed, declaration, or bylaws".

3. On page 2, line 13, strike "sections 76-825 to 76-894", show as stricken, and insert "the act".

LEGISLATIVE BILL 710. Placed on Select File as amended.
E & R amendment to LB 710:
AM5255

1. Insert the following new sections:

"Section 1. That section 21-2201, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

21-2201. Sections 21-2201 to 21-2222 and section 2 of this act shall be known and may be cited as the Nebraska Professional Corporation Act.

Sec. 3. That original section 21-2201, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

2. On page 1, line 1, after the semicolon insert "to amend section 21-2201, Reissue Revised Statutes of Nebraska, 1943;"; in line 3 strike "and"; and in line 6 after "prescribed" insert "; to harmonize provisions; and to repeal the original section".

3. Insert underscoring in original section 1.

4. On page 3, line 5, strike the first comma and insert "or" and strike the second comma; in line 19 strike the comma and insert "or"; and in line 20 strike the comma.

5. Renumber the remaining section accordingly.

(Signed) Eric Will, Chairperson

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 1132. Placed on General File as amended.
Standing Committee amendment to LB 1132:
AM2740

1. Insert the following new sections:

"Sec. 4. That section 79-2904, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-2904. Authority shall mean the Nebraska Educational ~~Facilities~~ Finance Authority ~~created by sections 79-2901 to 79-2959,~~ or any board, body, commission, department, or office succeeding to the principal functions thereof or to whom the powers conferred upon such authority by ~~sections 79-2901 to 79-2959 shall be~~ the Nebraska Educational Finance Authority Act is given by law.

Sec. 5. That section 79-2910, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-2910. There is hereby created a body politic and corporate to be known as the Nebraska Educational ~~Facilities~~ Finance Authority. The authority is constituted a public instrumentality and the exercise by the authority of the powers conferred by ~~sections 79-2901 to 79-2959~~ the Nebraska Educational Finance Authority Act shall be deemed and held to be the performance of an essential public function of the state.

Sec. 10. That section 79-2954, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-2954. There is hereby established, in accordance with Public Law 94-484, the Nebraska Health Education Assistance Loan Program, to be financed by the authority in the manner provided in the Nebraska Educational ~~Facilities~~ Finance Authority Act.

Sec. 16. It is the intent of the Legislature that the changes made by this legislative bill in the name of the Nebraska Educational Facilities Authority

Act to the Nebraska Educational Finance Authority Act and in the name of the Nebraska Educational Facilities Authority to the Nebraska Educational Finance Authority shall not affect or alter any rights, privileges, or obligations existing immediately prior to the effective date of this act.".

2. On page 3, line 20; page 5, line 17; page 8, line 14; page 12, line 9; and page 15, lines 8 and 13, strike "Facilities" and insert "Finance".

3. On page 5, line 9, strike "10 to 12" and insert "13 to 16"; and in line 10 strike "Facilities", show as stricken, and insert "Finance".

4. On page 7, line 4, strike "10 to 12" and insert "13 to 15"; strike beginning with "The" in line 5 through line 8 and show the old matter as stricken; in line 24 after "project" insert "or program"; and in line 25 after "facilities" insert "or assets".

5. On page 10, line 12; and page 11, line 2, after "project" insert "or program".

6. On page 16, line 4, strike "12" and insert "15"; in line 18 strike "11" and insert "14"; and in line 21 strike "10 to 12" and insert "13 to 15".

7. On page 17, strike beginning with the comma in line 16 through "79-2903" in line 17 and insert "to 79-2904, 79-2910"; and in line 17 after the final comma insert "79-2954,".

8. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 1112. Indefinitely postponed.

(Signed) David Landis, Chairperson

Revenue

LEGISLATIVE BILL 1269. Placed on General File.

LEGISLATIVE RESOLUTION 219CA. Placed on General File as amended.
Standing Committee amendment to LR 219CA:
AM2861

1. Strike the original sections and insert the following new sections:

"Section 1. That at a special election on May 12, 1992, there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska to amend Article VIII, sections 1, 2, and 5, and to add a new section 13 to Article VIII:

CVIII-1 'The necessary revenue of the state and its governmental subdivisions shall be raised by taxation in such manner as the Legislature may direct. ~~Taxes shall be levied by valuation uniformly and proportionately upon all tangible property and franchises, except that: (1) The~~ Notwithstanding Article I, section 16, Article III, section 18, or Article VIII, section 4, of this Constitution or any other provision of this Constitution to the contrary: (1) Taxes shall be levied by valuation uniformly and proportionately upon all real property and franchises as defined by the Legislature except as otherwise provided in or permitted by this Constitution; (2) tangible personal property, as defined by the Legislature, unless exempt by this Constitution or by legislation, may be taxed in whole or in part by valuation or otherwise in such manner as the Legislature may direct; (3) the Legislature may provide for a different method of taxing motor vehicles and may also establish a separate class of motor vehicles consisting of those owned and held for resale by motor vehicle dealers which shall be taxed in the manner and to the extent provided by the Legislature and may also establish a separate class for trucks, trailers, semitrailers, truck-tractors, or combinations thereof, consisting of those owned by residents and nonresidents of this state, and operating in interstate commerce, and may provide reciprocal and proportionate taxation of such vehicles; PROVIDED, that such tax proceeds from motor vehicles taxed in each county shall be allocated to the ~~state,~~ counties, townships, cities, villages, ~~and~~ school districts, and other governmental subdivisions of such county in the same proportion that the levy of each bears to the total levy of the county on ~~personal tangible~~ taxable property; ~~and (2)~~ (4) the Legislature may provide that agricultural land and horticultural land, as defined by the Legislature, shall constitute a separate and distinct class of property for purposes of taxation and may provide for a different method of taxing agricultural land and horticultural land which results in values that are not uniform and proportionate with all other ~~tangible~~ real property and franchises but which results in values that are uniform and proportionate upon all property within the class of agricultural land and horticultural land; (5) the ~~. The~~ Legislature may enact laws to provide that the value of land actively devoted to agricultural or horticultural use shall for property tax purposes be that value which such land has for agricultural or horticultural use without regard to any value which such land might have for other purposes or uses; (6) the Legislature ~~and~~ may prescribe standards and methods for the determination of the value of real ~~or other tangible~~ property at uniform and proportionate values; (7) in furtherance of the purposes for which a law of the United States has been adopted, whenever there exists a law of the United States which is intended to protect a specifically designated type, use, user, or owner of property or franchise from discriminatory state or local taxation, such property or franchise may constitute a separate class of property or franchise under the laws of the State of Nebraska, and such property or franchise may not be taken into consideration in determining whether taxes are levied by valuation uniformly or proportionately upon any property or franchise, and the Legislature may enact laws which statutorily recognize such class and which tax or exempt from taxation such class of property or franchise in such manner as it determines; and (8) the Legislature may provide that livestock shall constitute a separate and distinct class of property for purposes of taxation and may further provide for reciprocal and proportionate taxation of livestock located in this state for only part of a year. Taxes uniform as to class of property or the ownership or use thereof may be levied by valuation or otherwise upon classes of intangible property as the Legislature may determine, and such intangible property held in trust or otherwise for the purpose of funding pension, profit-sharing, or other employee benefit plans as defined by the Legislature may be declared exempt from taxation. Taxes other than property taxes may be authorized by law. Existing revenue laws shall continue in effect until changed by the Legislature. ~~The Legislature may provide that livestock shall constitute a separate and distinct class of property for purposes of taxation and may further provide for reciprocal and proportionate taxation of livestock located in this state for only part of a year.~~'

CVIII-2 'Notwithstanding Article I, section 16, Article III, section 18, or Article VIII, section 1 or 4, of this Constitution or any other provision of this Constitution to the contrary: (1) The property of the state and its governmental subdivisions shall constitute a separate class of property and shall be exempt from taxation; (2) the ~~. The~~ Legislature by general law may classify and exempt from taxation property owned by and used exclusively for agricultural and horticultural societies~~,~~ and property owned and used exclusively for educational, religious, charitable, or cemetery purposes, when such property is not owned or used for financial gain or profit to either the owner or user; (3) household ~~. Household~~ goods and personal effects, as defined by law, may be exempted from taxation in whole or in part, as may be provided by general law, and the Legislature may prescribe a formula for the determination of value of household goods and personal effects; (4) the ~~. The~~ Legislature by general law may provide that the increased value of land by reason of shade or ornamental trees planted along the highway shall not be taken into account in the assessment of such land; (5) the ~~. The~~ Legislature by general law and upon any terms, conditions, and restrictions it prescribes, may provide that the increased value of real property resulting from improvements designed primarily for energy conservation may be exempt from taxation; (6) the ~~. The~~ value of a home substantially contributed by the ~~Veterans' Administration of the~~ United States Department of Veterans Affairs for a paraplegic veteran or multiple amputee shall be exempt from taxation during the life of such veteran or until the death ~~of his widow or her~~ or remarriage~~. The~~ of his or her surviving spouse; (7) the Legislature may exempt from an intangible property tax life insurance and life insurance annuity contracts and any payment connected therewith and any right to pension or retirement payments; (8) the Legislature may exempt inventory from taxation; (9) the ~~. The~~ Legislature may define and classify personal property in such manner as it sees fit, whether by type, use, user, or owner, and may exempt any ~~of~~ such class or classes~~;~~ or may exempt all personal property from taxation; (10) no ~~. No~~ property shall be exempt from taxation except as permitted by or as provided in ~~the~~ this Constitution; and (11) the ~~. The~~ Legislature may by general law provide that a portion of the value of any residence actually occupied as a homestead by any classification of owners as determined by the Legislature shall be exempt from taxation.'

CVIII-5 'County authorities shall never assess taxes the aggregate of which shall exceed fifty cents per one hundred dollars ~~actual valuation~~ of taxable value as determined by the assessment rolls, except for the payment of indebtedness existing at the adoption hereof, unless authorized by a vote of the people of the county.'

CVIII-13 'Passage of this amendment to Article VIII of this Constitution shall be effective from and after January 1, 1992, and existing revenue laws passed in the regular legislative session of 1992 and not inconsistent with this Constitution as amended shall be considered ratified and confirmed by such amendment without the need for legislative reenactment of such laws.'

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

> 'A constitutional amendment to authorize the Legislature to provide for the taxation of tangible personal property in such manner as the Legislature may direct, for the separation of personal property from the uniformity and proportionality provisions which apply to real property, and for the separate classification of certain property and franchises, to harmonize a provision relating to the limitation on county taxes, and to provide

that legislation passed in the 1992 legislative session pursuant to this amendment shall be ratified and confirmed by such amendment.

For

Against'.".

LEGISLATIVE BILL 897. Placed on General File.

(Signed) Tim Hall, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 907 in the Journal. No objections. So ordered.

AM2415

1. On page 9, line 18, after "delivered" insert ", or a security held in the name of a broker, financial institution, or its nominee is transferred,".

Mr. Hall asked unanimous consent to print the following amendment to LB 1061 in the Journal. No objections. So ordered.

AM2793

1. Insert the following new section:

"Sec. 2. That section 2-1208.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-1208.01. There is hereby imposed a tax on the gross sum wagered by the parimutuel method at each race enclosure during a calendar year as follows:

(1) For meets conducted on property owned by the state on which the Nebraska State Fair is also conducted, no tax shall be imposed, but the licensee shall apply two percent of any amount in excess of ten million dollars for the purpose of maintenance of buildings, streets, utilities, and other existing improvements on the Nebraska State Fairgrounds; and

(2) For all other meets:

(a) The first ten million dollars shall not be taxed;

(b) ~~Any amount over ten million dollars but~~

~~less than or equal to one hundred million dollars shall be taxed at the rate of two percent through December 31, 1990;~~

~~(c)(i) Effective January 1, 1991, through December 31, 1993, any~~ Any amount over ten million dollars but less than or equal to eighty million dollars shall be taxed at the rate of two and one-half percent; ~~and~~

~~(ii) Effective January 1, 1994, any amount over ten million dollars but less than or equal to eighty million dollars shall be taxed at the rate of three percent;~~

~~(d)(i)~~ (c) Any amount in excess of ~~one hundred million dollars shall be taxed at the rate of five percent through December 31, 1990; and~~

~~(ii) Effective January 1, 1991, any amount in excess of~~ eighty million dollars shall be taxed at the rate of four percent; and

~~(e)(i)~~ (d) An amount equal to two percent of the first taxable seventy million dollars at each race meeting shall be retained by the licensee for capital improvements and for maintenance of the premises within the licensed racetrack enclosure and shall be a credit against the tax levied in this section. ~~through December 31, 1993; and~~

~~(ii) Beginning January 1, 1994, an amount equal to one percent of the first taxable seventy million dollars at each race meeting shall be retained by the licensee for capital improvements and for maintenance of the premises within the licensed racetrack enclosure and shall be a credit against the tax levied in this section.~~

A return as required by the Tax Commissioner shall be filed for a racetrack enclosure for each month during which wagers are accepted at the enclosure. The return shall be filed with and the net tax due pursuant to this section shall be paid to the Department of Revenue on the tenth day of the following month.".

2. On page 5, line 9, after "2-1205" insert ", 2-1208.01,".

3. Renumber the remaining sections accordingly.

Mr. Warner asked unanimous consent to print the following amendment to LB 489 in the Journal. No objections. So ordered.

AM2691

1. Strike original section 2 and insert the following new sections:

"Section 1. That section 15-106, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

15-106. The proprietor of any land within the corporate limits of a city of the primary class or contiguous thereto may lay out such land into lots, blocks, public ways, and other grounds under the name of .... addition to the city of .... and shall cause an accurate plat thereof to be made, designating explicitly the land so laid out and particularly describing the lots, blocks, public ways, and grounds belonging to such addition. The lots shall be designated by number and ~~streets, and public~~ by street. Public ways and other grounds shall be designated by name and by number. Such plat shall be acknowledged before some officer authorized to take acknowledgment of deeds and shall have appended to it a certificate made by a registered land surveyor ~~to the effect~~ that he or she has accurately surveyed such addition and that the lots, blocks, public ways, and other grounds are staked and marked as required by such city. When such plat is ~~so~~ made, acknowledged, and certified, complies with the requirements of section 15-901, and is approved by the city ~~council~~ planning commission, such plat shall be filed and recorded in the office of the register of deeds and county assessor of the county. In lieu of approval by the city ~~council~~ planning commission, the city council may designate specific types of plats which may be approved by the city planning director. No plat shall be recorded in the office of the register of deeds or have any force or effect unless such plat is approved by the ~~city council of such~~ city planning commission or the city planning director. ~~It~~ The plat shall, after being filed with the register of deeds, be equivalent to a deed in fee simple absolute to the city, from the proprietor, of all streets, public ways, ~~public~~ squares, parks, and commons, and such portion of the land as is therein set apart for public use or dedicated to charitable, religious, or educational purposes. All additions thus laid out shall remain a part of the city, and all additions, except those additions as set forth in sections 15-106.01 and 15-106.02, ~~now or hereafter~~ laid out adjoining or contiguous to the corporate limits of a city of the primary class shall be included therein and become ~~thereby~~ a part of the city for all purposes. The inhabitants of such addition shall be entitled to all the rights and privileges and ~~shall be~~ subject to all the laws, ordinances, rules, and regulations of the city. The mayor and city council shall have power by ordinance to compel owners of any such addition to lay out streets and public ways to correspond in width and direction and to be continuous with the streets and public ways in the city or additions contiguous to or near the proposed addition. No addition shall have any validity, right, or privilege as an addition unless the terms and conditions of such ordinance and of this section are complied with, the plats thereof are submitted to and approved by the city ~~council~~ planning commission or the city planning director, and ~~such~~ the approval of the city planning commission or the city planning director is endorsed thereon.

Sec. 2. That section 15-901, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

15-901. No owner of ~~any~~ real estate located in ~~an area which is within~~ any city of the primary class or within three miles of the corporate limits of any city of the primary class, when such real estate is located in the same county as ~~such~~ the city ~~of the primary class~~ and outside of any organized city or village, shall be permitted to subdivide, plat, or lay out ~~said~~ the real estate in building lots and streets, or other portions of the same intended to be dedicated for public use or for the use of the purchasers or owners of lots fronting thereon or adjacent thereto, without first having obtained ~~the~~ approval ~~thereof~~ by the ~~city council~~ planning commission of such city. No ~~;~~ ~~and no~~ plat or subdivision of such real estate shall be recorded in the office of the register of deeds or have any force or effect unless the same ~~be~~ is approved by the ~~city council of such city. Such a~~ city planning commission. A city of the primary class shall have authority within the area ~~above described~~ to regulate the subdivision of land for the purpose, whether immediate or future, of ~~transfer of~~ transferring ownership or building development, except that the city shall have no power to regulate subdivision in those instances where the smallest parcel created is more than ten acres in area. A city of the primary class shall have authority ~~;~~ to prescribe standards for laying out subdivisions in harmony with the comprehensive plan; to require the installation of improvements by the owner, ~~or~~ by the creation of public improvement districts, or by requiring a good and sufficient bond guaranteeing installation of such improvements; and to require the dedication of land for public purposes.

Subdivision shall mean the division of a lot, tract, or parcel of land into two or more lots, sites, or other divisions of land for the purpose, whether immediate or future, of ownership or building development, except that the division of land shall not be considered to be subdivision when the smallest parcel created is more than ten acres in area.

Subdivision plats shall be approved by the city planning commission on recommendation by the planning director and public works and utilities department. The city planning commission ~~and shall be submitted to the council for its consideration and legislative action. The council~~ may withhold approval of a plat until the public works and utilities department has certified that the improvements required by the regulations have been satisfactorily installed, ~~or~~ until a sufficient bond guaranteeing installation of the improvements has been posted, ~~with the city~~ or until public improvement districts are created.

Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 4, strike beginning with "25-2501" in line 4 through "25-2505" in line 5 and insert "15-106, 15-901, and 25-2501".

3. Renumber the remaining sections

accordingly.

Mr. Warner asked unanimous consent to print the following amendment to LB 308 in the Journal. No objections. So ordered.

AM2883

1. Insert the following new sections:

"Sec. 9. Sections 1 to 11 of this act shall not be deemed to compel any individual to submit to any medical examination or supervision by the department, any of its authorized representatives, or an approved researcher. No person who seeks information or obtains registry data pursuant to such sections shall contact a patient or such patient's family without first obtaining the permission of a physician actively involved in the care of such patient.

Sec. 10. Any private or public entity, individual, or approved researcher who wrongfully discloses confidential data obtained from the brain injury registry as provided in sections 1 to 11 of this act or uses such information with the intent to deceive shall be guilty of a Class IV misdemeanor for each offense.".

2. On page 2, lines 2, 10, and 13; and page 7, line 5, strike "9" and insert "11".

3. On page 2, line 12, after "(1)" insert "Approved researcher shall mean an individual or entity who is approved by the department in accordance with section 7 of this act to obtain access to data contained in the brain injury registry to assist in scientific or medical research for the prevention, treatment, or rehabilitation of brain or head injury;

(2)"; and in line 19 strike "(2)" and insert "(3)".

4. On page 3, line 12, strike "(3)" and insert "(4)".

5. On page 4, line 3, after "hospitals" insert "and procedures for approving researchers".

6. On page 6, line 25, before "All" insert "(1)".

7. On page 7, line 12, after the period insert "The cost of data retrieval and data processing shall be paid by the researchers and private or public

entities or individuals requesting data from the brain injury registry.

(2) The department may approve individuals or entities to obtain access to case-specific data or case-specific and patient-identifying data to assist in their research for prevention, treatment, or rehabilitation of brain or head injuries upon application and proof satisfactory to the department that the applicant is a qualified researcher, that the data will be used for bona fide scientific or medical research for prevention, treatment, or rehabilitation of brain or head injuries, and that the applicant will maintain the confidentiality and security of data obtained. The application shall contain, but shall not be limited to, the following information:

(a) The qualifications of the applicant and of the principal investigator if other than the applicant, including education, experience, prior publications, and recommendations of professional colleagues who have knowledge and experience of scientific or medical research;

(b) The purpose of the research project, a summary of the project, and the anticipated time of completion of such project;

(c) The specific data requested and a description of the use to be made of such data and, if patient-identifying data is requested, a substantiation of the need for access to such patient-identifying data;

(d) A description of the measures to be taken to secure the data and maintain the confidentiality of such data during the research project, for disposal of the data upon completion of the study, and to assure that the results of the study will not divulge or make public information that will disclose the identity of any individual patient;

(e) If contact with a patient or patient's family is planned or expected, substantiation of the need for such contact and a description of the method to be used to obtain permission from the patient's physician for such contact; and

(f) Such additional information as the department determines to be necessary to assure that release of data to the applicant is appropriate and will further the purposes of sections 1 to 11 of this act.

(3) The approved researcher shall submit the reports or results of the research project to the department. The department shall review such reports or results and shall prohibit publication of confidential information. A person or entity shall acknowledge the department and its brain injury registry in any publication in which information obtained through the registry is used."; and in line 18 after the period insert "The department or any of its officials or employees shall not be liable civilly or criminally for the release of information contained in the brain injury registry or for the conduct or activities of any individual or entity permitted access to data of the brain injury registry.".

8. On page 8, line 7, strike "10" and insert "12".

9. Renumber the remaining sections accordingly.

Mr. Hall asked unanimous consent to print the following amendment to LB 126 in the Journal. No objections. So ordered.

AM2792

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 39-603, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-603. (1) The provisions of ~~sections 39-601 to 39-6,122~~ the Nebraska Rules of the Road relating to operation of vehicles refer exclusively to operation of vehicles upon highways except where a different place is specifically referred to in a given section, but the provisions relative to careless driving and to reckless driving shall apply upon highways and anywhere throughout the state.

(2) Nothing in ~~sections 39-601 to 39-6,122~~ the rules or in Chapter 39, article 7, shall be construed to prevent the owner of real property used by the public for the purposes of vehicular travel, by permission of the owner and not as a matter of right, from prohibiting

such use nor from requiring other, different, or additional conditions from those specified~~,~~ or otherwise regulating the use thereof by such owner.

(3) The ~~provisions of sections 39-601 to 39-6,122~~ rules shall be applicable and uniform throughout this state and in all political subdivisions and municipalities of this state and no local authority shall enact or enforce any ordinance, resolution, rule, or regulation directly contrary to the provisions of ~~sections 39-601 to 39-6,122~~ the Nebraska Rules of the Road unless expressly authorized by the Legislature.

(4) An authority created pursuant to section 3-502 may not pass, enforce, or maintain any ordinance, resolution, rule, or regulation imposing any tax or fee or requiring any license or permit for the use of any highway or any street, road, avenue, boulevard, or way of public access maintained by such authority.

Sec. 2. That original section 39-603, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

ANNOUNCEMENT

Mr. Beyer designates LB 353 as his priority bill.

UNANIMOUS CONSENT - Add Cointroducer

Mr. Byars asked unanimous consent to have his name added as cointroducer to LB 943. No objections. So ordered.

ADJOURNMENT

At 12:16 p.m., on a motion by Mr. Hefner, the Legislature adjourned until 9:00 a.m., Thursday, February 13, 1992.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-SIXTH DAY - FEBRUARY 13, 1992

LEGISLATIVE JOURNAL

NINETY-SECOND LEGISLATURE
SECOND SESSION

TWENTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 13, 1992

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Baack presiding.

PRAYER

The prayer was offered by Norman C. Pavey, Minister, First Congregational Church, United Church of Christ, Fremont, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Wesely who was excused; and Messrs. Conway, Haberman, Hall, Lynch, Moore, Schmit, Mmes. Hillman, Labedz, Pirsch, Rasmussen, and Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-fifth day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 473. Placed on Select File as amended.
E & R amendment to LB 473:
AM5252

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 81-2101, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-2101. Sections 81-2101 to 81-2145 and section 3 of this act shall be known and may be cited as the State Electrical Act.

Sec. 2. That section 81-2104, Revised Statutes Supplement, 1990, be amended to read as follows:

81-2104. The board shall: ~~have power to:~~

(1) Elect its own officers;

(2) Engage and fix the compensation of such officers, inspectors, and employees as may be required in the performance of its duties;

(3) Pay such other expenses as may be necessary in the performance of its duties;

(4) Provide upon request such additional voluntary inspections and reviews as it deems appropriate;

(5) Adopt, promulgate, and revise rules and regulations necessary to enable it to carry into effect the State Electrical Act. In adopting and promulgating such rules and regulations, the board shall be governed by the minimum standards set forth in the National Electrical Code issued and adopted by the National Fire Protection Association in 1990, Publication Number 70-1990, which code shall be filed in the offices of the Secretary of State and the board and shall be a public record;

(6) Revoke, suspend, or refuse to renew any license granted pursuant to the ~~State Electrical Act~~ act when the holder of ~~such a~~ the license:

(a) Violates any provision of the act or any rule or regulation adopted and promulgated pursuant to the act;

(b) ~~fails~~ Fails or refuses to pay any examination or license renewal fee required by law; or

(c) ~~is~~ Is an electrical contractor or master electrician and fails or refuses to provide and keep in force a public liability insurance policy as required by the board;

(7) Refuse to renew any license granted pursuant to the act when the holder of the license fails

to submit evidence of completing the continuing education requirements under section 3 of this act;

(8) Provide for the amount and collection of fees for inspection and other services; and

~~(8)~~ (9) Adopt a seal, and the executive secretary shall have the care and custody thereof.

Sec. 3. (1) In order to renew a license issued under the State Electrical Act, the license holder shall be required to complete six contact hours of continuing education by January 1, 1992, for renewal on such date and twelve contact hours by January 1 of each even-numbered year thereafter. The continuing education courses may be approved by the board and may consist of training programs, courses, and seminars by the State Electrical Division or public or private schools, organizations, or associations. The contact hours shall include a minimum of six contact hours studying the National Electrical Code described in section 81-2104, and the remaining contact hours may include study of electrical circuit theory, blueprint reading, transformer and motor theory, electrical circuits and devices, control systems, programmable controllers, and microcomputers or any other study of electrical-related material that is approved by the board. Any additional hours studying the National Electrical Code shall be acceptable. For purposes of this section, a contact hour shall mean fifty minutes of classroom attendance at an approved course under a qualified instructor approved by the board.

(2) An application for approval of the instructor and course offering shall be submitted annually at least ninety days in advance of the course offering on a form provided by the board. The approval by the board of the application shall be valid for one calendar year from the date of approval and shall include the following information:

(a) The name of the sponsoring organization or school, if any, the address of such organization or school, and the name of the contact person;

(b) The instructor's name, address, and telephone number;

(c) The title of the course offering;

(d) A description of all materials to be distributed to the participants;

(e) The date and location of each presentation of the course offering;

(f) The duration and time of the offering;

(g) A detailed outline of the subject matter together with the time sequence of each segment, the faculty for each segment, and the teaching technique used in each segment;

(h) The procedure for measuring attendance; and

(i) A description of the faculty, including name, background, and practical or teaching experience. A complete resume may be furnished.

Any application for approval of the instructor and course offering that is rejected shall be returned to the applicant with specific reasons for such rejection and stating what is needed for approval.

(3) If a continuing education course is approved, the license holder shall retain the attendance certificate and attach it to the application for renewal of his or her license at the time of renewal. The license holder shall have the responsibility for record keeping and providing proof of attendance at continuing education courses.

(4) The instructor of each course shall provide an individual certificate of attendance to each license holder who attends ninety percent or more of the classroom hours. A certificate of attendance shall not be issued to a license holder who is absent for more than ten percent of the classroom hours. The certificate shall contain the license holder's name and license number, the course title, the date and location of the course, the number of credit hours, and the signature of the instructor.

Sec. 4. That original section 81-2101, Reissue Revised Statutes of Nebraska, 1943, and section 81-2104, Revised Statutes Supplement, 1990, are repealed.".

LEGISLATIVE BILL 272. Placed on Select File as amended.
E & R amendment to LB 272:
AM5254

1. In the Standing Committee amendments,

AM0703, on page 1, line 6 after "with" insert "the second"; in line 11 strike "strike" and insert "line 3, strike the semicolon; and strike the new matter in"; and in line 13 after "investments" insert an underscored comma.

2. On page 1, line 4, strike "sections" and insert "section"; in line 5 strike "58-401 and"; in line 8 strike "and votes taken by"; and strike beginning with "to" in line 12 through the second semicolon in line 13.

LEGISLATIVE BILL 308. Placed on Select File.
LEGISLATIVE BILL 308A. Placed on Select File.

(Signed) Eric Will, Chairperson

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of February 12, 1992. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Burnham, Shawn - Lincoln (Withdrawn 02/05/92)	Association of Students of University of Nebraska-Lincoln
Chambers, David L. - Lincoln (Withdrawn 02/05/92)	League of Nebraska Municipalities
Cline, Williams, Wright, Johnson & Oldfather	
Campbell, Mary M. - Lincoln	Media of Nebraska
Pallesen, Jr., Charles M. - Lincoln	EXCEL Management and Development Services
	Kimberly-Clark
	Nebraska Beer Wholesalers Association
	Nebraska Wholesale Liquor Distributors Association
Kelley, Michael - Omaha	ATI Title Company
Maresh, Richard - Ralston (Withdrawn 02/10/92)	Nebraska State Grange
Pappas, James E. - Lincoln (Withdrawn 06/05/91)	Shaeffer, J. Murry
Radcliffe and Associates	
Radcliffe, Walter H. - Lincoln	Educational Investors, Inc.
	Guaranty Title Company

	MANNS Company
Rasmussen, Dennis - Lincoln	Concrete Industries, Inc.
Sedlacek, Ronald J. - Lincoln	Travelers Express Company, Inc.
Sturner, Peter C. & Associates Sturner, Peter C. - Lincoln	Nebraska Veterinary Technicians Association
Veline, James T. - Omaha	Veline, James T.

UNANIMOUS CONSENT - Member Excused

Mr. Withem asked unanimous consent to be excused until he returns. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 757.

A BILL FOR AN ACT relating to financial institutions; to amend sections 2-3227, 8-108, 8-157, 8-319, 8-320, 8-342, 8-343, 8-346, 8-356, 8-385, 8-602, 8-1515, 12-1102, 12-1107, 15-847, 15-849, 16-713, 16-715, 17-607, 21-1777, 30-3209, 43-2202, 72-1262, 72-1268.03, 72-1268.05, 77-2318, 77-2340, 77-2344, 77-2345, 77-2352, 77-2355, 77-2362, and 77-2366, Reissue Revised Statutes of Nebraska, 1943; to redefine terms; to change and eliminate references to the Federal Savings and Loan Insurance Corporation; to provide for the examination of electronic data processing centers as prescribed; to change provisions relating to the establishment of detached auxiliary offices, foreign building and loan associations, building and loan association examinations, the requirement to maintain insurance on certain instruments, fees, and credit union examinations; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud
Ashford
Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Byars
Chambers
Chizek
Coordsen
Crosby
Cudaback
Dierks
Elmer
Haberman
Hall
Hartnett

Hefner
Hillman
Horgan
Johnson, L.
Johnson, R.
Kristensen
Labedz
Lamb
Landis
Lindsay
Lynch
Moore
Morrissey
Nelson
Pirsch
Rasmussen
Robak
Robinson
Rogers
Schellpeper
Schimek
Schrock
Warner
Wehrbein
Wickersham
Will

Voting in the negative, 0.

Present and not voting, 1:

Peterson

Excused and not voting, 4:

Conway
Schmit
Wesely
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 758.

A BILL FOR AN ACT relating to the Securities Act of Nebraska; to amend sections 8-1110 and 8-1111, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to exemptions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud
Ashford
Baack
Bernard-Stevens
Beyer
Bohlke
Byars
Chambers
Chizek
Coordsen
Crosby
Cudaback
Dierks
Elmer
Haberman
Hall
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Johnson, R.
Kristensen
Labedz
Lamb
Landis
Lindsay
Lynch
Moore
Morrissey
Nelson
Peterson
Pirsch
Rasmussen
Robak
Robinson
Rogers
Schellpeper
Schimek
Schrock
Warner
Wehrbein
Wickersham
Will
Withem

Voting in the negative, 0.

Present and not voting, 1:

Beutler

Excused and not voting, 3:

Conway	Schmit	Wesely

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

GENERAL FILE

LEGISLATIVE BILL 338A. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 922A. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 757 and 758.

SELECT FILE

LEGISLATIVE BILL 275. E & R amendment, AM5218, found in the Journal on page 511, was adopted.

Mr. Wehrbein renewed his pending amendment, AM2548, found in the Journal on page 786.

The Wehrbein amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 275A. E & R amendment, AM5219, found in the Journal on page 512, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 28. Mr. Wickersham renewed his pending amendment, AM2564, found in the Journal on page 546.

The Wickersham amendment was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 111. Mr. Dierks renewed his pending amendment, AM2566, found in the Journal on page 579 and considered on page 623.

Mr. Dierks offered the following amendment to his pending amendment:
AM2912

(Amendments to AM2566)

1. Strike amendment 1 and all amendments thereto and insert the following new amendment:

"Sec. 2. That section 28-611, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-611. (1) Whoever obtains property, services, or present value of any kind by issuing or passing a check or similar signed order for the payment of money, knowing that he or she has no account with the drawee at the time the check or order is issued, or, if he or she has ~~such~~ an account, knowing that he or she does not have sufficient funds in~~,~~ or credit with~~,~~ the drawee for the payment of ~~such~~ the check or order in full upon ~~its~~ presentation, commits the offense of issuing a bad check. Issuing a bad check is:

(a) A Class III felony if the amount of the check or order is one thousand dollars or more;

(b) A Class IV felony if the amount of the check or order is three hundred dollars or more, but less than one thousand dollars;

(c) A Class I misdemeanor if the amount of the check or order is seventy-five dollars or more, but less than three hundred dollars; and

(d) A Class II misdemeanor if the amount of the check or order is less than seventy-five dollars.

The aggregate amount of any series of checks or orders written or passed within a one-hundred-eighty-day period in one jurisdiction may be used in determining the classification of the offense pursuant to this subsection.

(2) For any second or subsequent offense under subdivision (1)(c) or (1)(d) of this section, any person so offending shall be guilty of a Class IV felony.

(3) Whoever otherwise issues or passes a check or similar signed order for the payment of money, knowing that he or she has no account with the drawee at the time the check or order is issued, or, if he or she has such an account, knowing that he or she does not have sufficient funds in~~,~~ or credit with~~,~~ the drawee for the payment of ~~such~~ the check or order in full upon its presentation, ~~commits~~ shall be guilty of a Class II misdemeanor.

(4) Any person in violation of this section who makes voluntary restitution to the injured party for the value of the check, draft, order, or assignment of funds shall also pay any costs of filing with the county attorney.

(5) In any prosecution when the person issuing the check or order has an account with the drawee, he or she shall be presumed to have known that he or she did not have sufficient funds in~~,~~ or credit with~~,~~ the drawee for the payment of ~~such~~ the check or order in full upon ~~its~~ presentation~~,~~ if, within thirty days after issuance of the check or order, he or she has been notified that the drawee refused payment for lack of funds and he or she ~~has~~ failed within ten days after such notice to make the check or order good or, in the absence of such notice, he or she ~~has~~ failed to make the check or order good within ten days after notice that such check or order has been returned to the depositor was sent to him or her by the county attorney or his or her deputy, by United States mail addressed to such person at his or her last-known address. Upon request of the depositor and the payment of ten dollars for each check, draft, order, or assignment of funds, the county attorney or his or her deputy shall be required to mail notice to the person issuing the check or order as provided in this subsection. The ten-dollar payment shall be

payable to the county treasurer and credited to the county general fund.

(6) Any person convicted of violating this section may, in addition to ~~being fined or imprisoned~~ fine or imprisonment, be ordered to make restitution to the party injured for the value of the check, draft, order, or assignment of funds and to pay any costs of filing with the county attorney and a reasonable handling fee imposed on the drawee by a financial institution. If the court, ~~shall~~ in addition to sentencing any person to imprisonment under this section, also ~~enter~~ enters an order of restitution, the time permitted to make such restitution shall not be concurrent with the sentence of imprisonment.

(7) The fact that restitution to the party injured has been made and that any costs of filing with the county attorney and a reasonable handling fee imposed on the drawee by a financial institution have been paid shall be a mitigating factor in the imposition of punishment for any violation of this section.".

The Dierks amendment was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Mr. Lindsay offered the following amendment to the pending Dierks amendment:
FA264

Amend AM2912 as follows:

1. On page 2, line 8, strike "180" and insert "60"
2. On page 1, line 17, strike 1,000 and insert 1,500 on line 19 strike 300 and insert 500 and on line 20 strike 1,000 and insert 1,500
3. On page 2, line 2 strike 75 and insert 100 and on line 3 strike 300 and insert 500 and on line 5, strike 75 and insert 100.

The Lindsay amendment was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

The Dierks amendment, AM2566, as amended, was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Lindsay renewed his pending amendment, AM2710, found in the Journal on page 635.

Mr. Lindsay offered the following amendment to his pending amendment:
FA265

Amend the Lindsay amendment by adding the following section:

1. In AM2912, on page 2, line 10, after "subsection" insert "except checks or orders may not be aggregated into more than one offense."

The Lindsay amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

The Lindsay amendment, AM2710, as amended, was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mr. Cudaback renewed his pending amendment, FA254, found in the Journal on page 635.

The Cudaback amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mr. Lindsay offered the following amendment:
AM2715

1. On page 2, line 6, after "thousand" insert "five hundred"; in line 8 strike "three", show as stricken, and insert "five"; in line 9 after "thousand" insert "five hundred"; in line 11 strike "one", show as stricken, and insert "two"; in line 12 strike "three", show as stricken, and insert "five"; and in line 14 strike "one", show as stricken, and insert "two".

2. On page 3, line 1, strike "shall" and insert "may"; and in line 3 after the period insert

"(8) In any prosecution for theft under sections 28-509 to 28-518, value shall be an essential element of the offense that must be proved beyond a reasonable doubt.".

The Lindsay amendment was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers requested a machine vote on the advancement of the bill.

Advanced to E & R for engrossment with 25 ayes, 1 nay, 20 present and not voting, and 3 excused and not voting.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 1110. Placed on General File.

(Signed) Gerald Conway, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 1146. Placed on General File as amended.
Standing Committee amendment to LB 1146:
AM2895

1. On page 2, line 17, strike "or" and insert "insurance," and after "accident" insert "insurance, or workers' compensation"; and in line 22 after the period insert "Insurer shall include an employer who is approved by the Workers' Compensation Court as a self-insurer.".

2. On page 3, line 8, strike "or" and insert "insurance," and after "accident" insert "insurance, or workers' compensation"; and in line 20 strike "or" and insert "insurance," and after "accident" insert "insurance, or workers' compensation".

3. On page 4, line 24, strike the second "or" and insert "insurance,"; and in line 25 after "accident" insert "insurance, or workers' compensation".

LEGISLATIVE BILL 1171. Placed on General File as amended.
Standing Committee amendment to LB 1171:
AM2894

1. On page 7, line 8, after "suit" insert "or action"; strike beginning with "the" in line 11 through line 12 and insert "two years next after inception of the loss.".

(Signed) David Landis, Chairperson

Transportation

LEGISLATIVE BILL 973. Placed on General File.
LEGISLATIVE BILL 1069. Placed on General File.
LEGISLATIVE BILL 1182. Placed on General File.

LEGISLATIVE BILL 1050. Placed on General File as amended.
Standing Committee amendment to LB 1050:
AM2897

1. On page 2, strike beginning with "The" in line 1 through "inhabitants" in line 3 and insert "A county board".

2. On page 8, lines 3 through 5; page 10, lines 9 through 11; page 13, lines 1 through 3; page 15, lines 17 through 19; page 17, lines 19 through 21; page 20, lines 5 through 7; page 21, lines 7 through 9; page 22, lines 4 through 6; and page 24, lines 6 through 8, strike beginning with "the" through "inhabitants" and insert "a county board".

3. On page 24, strike beginning with "the" in line 24 through line 25 and insert "a county board".

4. On page 25, line 1, strike "inhabitants".

LEGISLATIVE BILL 1065. Placed on General File as amended.
Standing Committee amendment to LB 1065:
AM2562

1. On page 3, line 15, strike "Whenever", show as stricken, and insert "Until January 1, 1993, whenever"; in line 19 reinstate the stricken matter; in line 20 strike the new matter; and in line 21 after the period insert "Beginning January 1, 1993, whenever new license plates, including duplicate or replacement license plates, are furnished to any person, a fee of one dollar and fifty cents per plate shall be charged in addition to all other required fees.".

LEGISLATIVE BILL 980. Indefinitely postponed.

(Signed) Doug Kristensen, Chairperson

Revenue

LEGISLATIVE BILL 927. Placed on General File as amended.
Standing Committee amendment to LB 927:

AM2555

1. On page 2, reinstate the stricken matter beginning with "Commencing" in line 4 through "the" in line 5; in line 5 after the stricken "Commission" insert "commission"; reinstate the stricken matter beginning with "acquires" in line 5 through "make" in line 7; in line 7 reinstate "payments in lieu of taxes" and after the reinstated "taxes" insert an underscored period; and strike lines 10 through 12.

LEGISLATIVE BILL 962. Placed on General File as amended. (Standing Committee amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM2812.)

(Signed) Tim Hall, Chairperson

SELECT FILE

LEGISLATIVE BILL 169. E & R amendment, AM5224, found in the Journal on page 533, was adopted.

Mr. Bernard-Stevens renewed the Wesely pending amendment, AM2483, found in the Journal on page 499.

The Wesely amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Mr. Bernard-Stevens offered the following amendment:
AM2697

1. On page 3, strike beginning with "care" in line 19 through "who" in line 20; and in line 21 strike "such care" and insert "care or who have been licensed or approved by a legally established Indian tribal council operating within the state to provide care".

2. On page 4, strike beginning with "The" in line 14 through the period in line 20 and insert "The fund shall be administered by the Department of Social Services and shall be used to purchase any liability and property damage insurance policy provided by the department pursuant to subsection (6) of section 43-905 and reimburse foster parents for unreimbursed liability and property damage incurred or caused by a foster child as the result of acts covered by the insurance policy

purchased by the department. Claims for unreimbursed liability and property damage incurred or caused by a foster child may be submitted in the manner provided in the State Miscellaneous Claims Act.".

The Bernard-Stevens amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mr. Ashford offered the following amendment:
AM2928

1. Insert the following new section:

"Sec. 3. That section 79-445, Revised Statutes Supplement, 1991, be amended to read as follows:

79-445. The school board or board of education may admit nonresident pupils to the district school, may determine the rate of tuition of the pupils, and shall collect such tuition in advance, except that the school district shall not charge tuition for any pupil who is in a foster family home as defined in section 71-1902 and who is a ward of the state or a ward of any court. When the pupil as a ward of the state or as a ward of any court ~~(1) has been placed in a public school district other than the district in which he or she resided at the time he or she became a ward or (2)~~ has been placed in any institution which maintains a special education program which has been approved by the State Department of Education and such institution is not owned or operated by the pupil's resident school district, the cost of his or her education and the required transportation costs associated with the child's education shall be paid by the state to the ~~receiving school district or~~ approved institution ~~or paid to the county nonresident high school tuition fund~~ under rules and regulations prescribed by the Department of Social Services. In the case of any individual eighteen years of age or younger who is a ward of the state or any court and who is placed in a county detention home as established under section 43-2,110, the cost of his or her education shall be paid by the state, regardless of such individual's district of residency, to the agency or institution which: (1) Is selected by the county board with jurisdiction over such detention home; (2) has agreed or contracted with such county board to provide educational services; and (3) has been approved by the State Department of Education pursuant to rules and regulations prescribed by the State Board of Education. No tuition shall be charged for children who may be by law allowed to attend the school without charge. The public school district in which the parent or guardian of any nonresident pupil maintains his or her legal residence shall not be liable for the payment of tuition fees and the children of school age of such parent or guardian shall be entitled to free common school privileges the same as any child who is a bona fide resident of such school district whenever the parent or guardian of such nonresident pupil, having entered the public service of the State of Nebraska, has removed from the school district in which he or she maintains legal residence into another school district for temporary purposes incidental to serving the state, without the intention of making the school district to which the parent or guardian has removed his or her legal residence. No tuition shall be charged for a child whose parents are divorced if such child attends school in a district in which either parent resides. The burden of proof as to legal residence shall rest with the person claiming legal residence in any district. The school district may allow a pupil whose residency in the district ceases during a school year to continue attending school for the remainder of that school year without payment of tuition.

The school board or board of education may admit nonresident pupils to the district school without requiring the payment of tuition if such pupils are in the actual physical custody of a resident of the school district and are not residents of an adjoining school district and the school board or board of education determines that the pupils would otherwise be denied guaranteed free common school privileges.".

2. On page 8, line 3, strike "and"; and in line 4 after the last comma insert "and section 79-445, Revised Statutes Supplement, 1991,".

3. Renumber the remaining sections accordingly.

Mrs. Bohlke requested a ruling of the Chair on whether the Ashford amendment is germane to the bill.

The Chair ruled the Ashford amendment is not germane to the bill.

Mr. Ashford challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Ashford withdrew his motion to overrule the Chair.

Mr. Ashford withdrew his pending amendment.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 274. E & R amendment, AM5225, found in the Journal on page 535, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 722. Ms. Schimek renewed her pending amendment, AM2453, found in the Journal on page 430.

The Schimek amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 366. E & R amendment, AM5226, found in the Journal on page 535, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 366A. E & R amendment, AM5227, found in the Journal on page 536, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 415. E & R amendment, AM5229, found in the Journal on page 541, was adopted.

Mr. Will offered the following amendment:
AM2906

(Amendments to Standing Committee amendments, AM0279)

1. Strike original section 3 and all amendments thereto and insert the following new section:

"Sec. 3. That section 19-1102, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-1102. It shall be the duty of ~~every~~ each village or city clerk in every village or city having a population of not more than ~~forty~~ one hundred thousand to prepare and publish the official proceedings of the village or city board, council, or commission within thirty days ~~from any meetings of said~~ after any meeting of the board, council, or commission. The ~~, which~~ publication shall be in a newspaper of general circulation in the village or city, shall set forth a statement of the proceedings ~~thereof~~ of the meeting, and shall also include the amount of each claim allowed, the purpose of the claim, and the name of the claimant, except that the aggregate amount of all payroll claims may be included as one item. ~~, in a newspaper of general circulation in the city or village.~~ Between July 15 and August 15 of each year, the ~~names of all employees and their~~ employee job titles and the current annual, monthly, or hourly salaries corresponding to such job titles shall be published. Each job title published shall be descriptive and indicative of the duties and functions of the position. ~~and any changes in salaries or the hiring of new employees during the calendar quarter preceding the months of October, January, and April shall be published during the months of November, February, and May.~~ The charge for ~~said~~ the publication shall not exceed the rates provided ~~by law for the publication of proceedings of county boards~~ for in section 23-122.".

Messrs. Moore and Withem asked unanimous consent to be excused until they return. No objections. So ordered.

The Will amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 706. E & R amendment, AM5231, found in the Journal on page 542, was adopted.

Mrs. Robak asked unanimous consent to be excused. No objections. So ordered.

Mr. Ashford offered the following amendment:
FA266

Amend section 3 by adding para (8):
"membership in a Nebraska Indian Tribe"
Also, amend line 22, page 3 by changing the word "present" to the word "past".

The Ashford amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 706A. E & R amendment, AM5230, found in the Journal on page 542, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 339. E & R amendment, AM5228, found in the Journal on page 542, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 319. E & R amendment, AM5232, found in the Journal on page 557, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 641. E & R amendment, AM5234, found in the Journal on page 560, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 126. Mr. Hall withdrew his pending amendment, AM2792, found in the Journal on page 827.

Mr. Hall offered the following amendment:
AM2926

1. Insert the following new section:

"Section 1. That section 39-603, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-603. (1) The provisions of ~~sections 39-601 to 39-6,122~~ the Nebraska Rules of the Road relating to operation of vehicles refer exclusively to operation of vehicles upon highways except where a different place is specifically referred to in a given section, but the provisions relative to careless driving and to reckless driving shall apply upon highways and anywhere throughout the state.

(2) Nothing in ~~sections 39-601 to 39-6,122~~ the rules or in Chapter 39, article 7, shall be construed to prevent the owner of real property used by the public for the purposes of vehicular travel, by permission of the owner and not as a matter of right, from prohibiting such use nor from requiring other, different, or additional conditions from those specified~~,~~ or otherwise regulating the use thereof by such owner.

(3) The ~~provisions of sections 39-601 to 39-6,122~~ rules shall be applicable and uniform throughout this state and in all political subdivisions and municipalities of this state and no local authority shall enact or enforce any ordinance, resolution, rule, or regulation directly contrary to the provisions of ~~sections 39-601 to 39-6,122~~ the Nebraska Rules of the Road unless expressly authorized by the Legislature.

(4) An authority created pursuant to section 3-502 may not pass, enforce, or maintain any ordinance, resolution, rule, or regulation imposing any tax or fee or requiring any license or permit for the use of any highway or any street, road, avenue, boulevard, or way of public access maintained by such authority.".

2. On page 2, line 21, strike "section 39-1315.01" and insert "sections 39-603 and 39-1315.01"; and in line 22 strike "is" and insert "are".

3. Renumber the remaining sections accordingly.

Mr. Conway and Mrs. Labedz asked unanimous consent to be excused until they return. No objections. So ordered.

The Hall amendment was adopted with 25 ayes, 1 nay, 15 present and not voting, and 8 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 734. Mr. Hall offered the following amendment: (Amendment on file in the Clerk's Office - Room 2018 - AM2687.)

Mr. Hall withdrew his pending amendment.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 921. Advanced to E & R for engrossment.

Messrs. Schmit, Schellpeper, and Peterson asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 907. E & R amendment, AM5245, found in the Journal on page 761, was adopted.

Mr. Landis renewed his pending amendment, AM2415, found in the Journal on page 820.

The Landis amendment was adopted with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

Advanced to E & R for engrossment.

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 839. Indefinitely postponed.
LEGISLATIVE BILL 891. Indefinitely postponed.
LEGISLATIVE BILL 892. Indefinitely postponed.

(Signed) Rod Johnson, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 239. Introduced by Schmit, 23.

WHEREAS, soybeans are a vital crop to the economy of Nebraska; and

WHEREAS, Saunders County plants one hundred twenty-nine thousand acres of soybeans annually; and

WHEREAS, Saunders County produced three million nine hundred four thousand nine hundred bushels of soybeans in the year 1990; and

WHEREAS, the Nebraska Agricultural Statistics Service shows that Saunders County has led Nebraska counties in the production of soybeans since at least the year 1985 to the present time.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature declares and designates Saunders County the Soybean Capital of Nebraska.

Laid over.

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 13, 1992, at 10:50 a.m., were the following bills: 757 and 758.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

MOTION - Withdraw LB 1228

Mr. Schmit moved to withdraw LB 1228.

Laid over.

ANNOUNCEMENT

Mrs. Rasmussen designates LB 1184 as her priority bill.

UNANIMOUS CONSENT - Print in Journal

Mr. Coordsen asked unanimous consent to print the following amendment to LB 360 in the Journal. No objections. So ordered.

AM2927

(Amendments to Standing Committee amendments, AM2840)

1. On page 2, line 8, strike "shall" and reinstate the stricken matter.

Mr. Beutler asked unanimous consent to print the following amendment to LB 349 in the Journal. No objections. So ordered.

AM2848

(Amendments to Standing Committee amendments, AM2456)

1. On page 26, line 16, after the period insert "Actions taken pursuant to the Nebraska Ground Water Management and Protection Act or by the Department of Environmental Control pursuant to regulation of solid wastes which may be more restrictive than sections 2-2601 to 2-2620 and sections 7, 8, and 14 to 17 of this act or rules and regulations adopted pursuant to such sections shall not be preempted by sections 2-2601 to 2-2620 and sections 7, 8, and 14 to 17 of this act.".

NOTICE OF COMMITTEE HEARING
Education/Appropriations

Tuesday, March 24, 1992 12:00 Noon

Program Review by Coordinating Commission on Postsecondary Education

(Signed) Ron Withem, Chairperson
(Signed) Scott Moore, Chairperson

EXPLANATION OF VOTES

Had I been present, I would have voted "No" on LB 671 and LB 816.

(Signed) Carol M. Pirsch

UNANIMOUS CONSENT - Withdraw Cointroducer

Mrs. Bohlke asked unanimous consent to have her name withdrawn as cointroducer to LB 1169. No objections. So ordered.

UNANIMOUS CONSENT - Add Cointroducers

Mr. Abboud asked unanimous consent to have his name added as cointroducer to LB 291 and LB 1238. No objections. So ordered.

Mr. Beutler asked unanimous consent to have his name added as cointroducer to LB 1257. No objections. So ordered.

Mr. Will asked unanimous consent to have his name added as cointroducer to LB 415. No objections. So ordered.

VISITORS

Visitors to the Chamber were students and sponsors from Sidney Public School; Mr. and Mrs. Reynold Kubie, Mr. and Mrs. Walter Koenig, and Mrs. Rachael Epperson from Blair; Stanley Haas from Scottsbluff; Representatives of Nebraska Right to Life; and ten seniors and sponsor from Lourdes Central Catholic Schools, Nebraska City.

ADJOURNMENT

At 11:58 a.m., on a motion by Mr. Will, the Legislature adjourned until 9:00 a.m., Tuesday, February 18, 1992.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-SEVENTH DAY - FEBRUARY 18, 1992

LEGISLATIVE JOURNAL

TWENTY-SEVENTH DAY - FEBRUARY 18, 1992

LEGISLATIVE JOURNAL

NINETY-SECOND LEGISLATURE
SECOND SESSION

TWENTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 18, 1992

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Moul presiding.

PRAYER

The prayer was offered by Dr. Al Norden, Trinity Lutheran Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Chizek who was excused; and Messrs. Abboud, Ashford, Coordsen, Dierks, Haberman, Hall, R. Johnson, Lindsay, Morrissey, Robinson, Schrock, Wickersham, Mmes. Labedz, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-sixth day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 307. Placed on Select File as amended.
E & R amendment to LB 307:
AM5259

1. In the Will amendment, AM2464, on page 1, line 13, strike the third comma and show as stricken.

2. On page 1, strike lines 2 through 14 and

insert "section 14-1103.02, Reissue Revised Statutes of Nebraska, 1943; to change and restrict powers of metropolitan water districts and metropolitan utilities districts as prescribed; and to repeal the original section.".

3. On page 2, strike line 1.

LEGISLATIVE BILL 746. Placed on Select File as amended.
E & R amendment to LB 746:
AM5262

1. In the Standing Committee amendment, AM0239:

a. On page 1, strike beginning with the third comma in line 7 through "23" in line 8; and

b. Insert the following new amendment and renumber the remaining amendments accordingly:

"4. On page 36, lines 10, 15, and 23, strike 'metropolitan' and show as stricken.".

2. Insert the following new sections:

"Sec. 71. That section 32-1402, Revised Statutes Supplement, 1990, be amended to read as follows:

32-1402. Elected county officers and elected members of the governing bodies of cities, villages, counties, irrigation districts, natural resources districts, public power districts, school districts, and ~~water boards~~ metropolitan utilities districts may be removed from office by recall pursuant to sections 32-1401 to 32-1409.

Sec. 73. That section 71-6316, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-6316. The Asbestos Control Act shall not apply to a district as defined in section 70-601 or a district subject to ~~Chapter 14, article 11~~ sections 1 to 56 of this act.".

3. On page 1, line 3, strike "14-1004, 14-1006 to"; in line 10 after the first comma insert "71-6316,"; and in line 12 strike "14-1005," and after the second comma insert "32-1402,".

4. On page 2, line 1, after "change" insert ", transfer, and eliminate provisions relating to public utilities; to change a penalty provision; to provide a

duty for the Revisor of Statutes; to eliminate provisions relating to water boards, private water plants, and gas plants; to harmonize provisions; and"; strike lines 2 through 5; and in line 7 after "sections" insert "14-901 to 14-918,".

5. On page 4, line 16, after "area" insert an underscored comma; and in line 21 strike the comma and show as stricken.

6. On page 5, line 6, after "members" insert an underscored comma; in lines 9 and 22 after the period insert paragraphing; and in line 22 strike "shall be", show as stricken, and insert "are".

7. On page 6, line 2, strike the comma and show as stricken; in line 3 strike "be", show as stricken, and insert "is" and strike the comma, show as stricken, and insert "section 32-537"; in line 4 strike ", section 32-537,", show as stricken, and insert "such section"; in line 21 after the second "of" insert "the"; and in line 22 strike "districts", show as stricken, and insert "district".

8. On page 7, line 8, after "notwithstanding" insert "that"; in line 11 after the comma insert "Reissue"; and in line 12 strike "Supplement, 1990" and insert "of Nebraska, 1943".

9. On page 9, line 14, strike the first comma and show as stricken.

10. On page 11, line 5, after "operation" insert an underscored comma; strike beginning with "and" in line 16 through the comma in line 17 and show the old matter as stricken; and in line 19 after "appointee" insert ", and (7) devote his or her exclusive time to the duties of the office".

11. On page 12, line 14, strike "excepting", show as stricken, and insert "except"; and in lines 19 and 20 strike the comma.

12. On page 14, line 18, strike "such districts", show as stricken, and insert "the district".

13. On page 17, line 4, reinstate the stricken "while".

14. On page 18, line 16, strike "therefrom", show as stricken, and insert "by the district".

15. On page 20, line 7, strike "the"; in line 8 after "section" insert an underscored comma; in line

10 strike "It" and insert "The district"; strike beginning with "the" in line 20 through "of" in line 21 and show as stricken; and in line 25 after the second comma insert "or" and strike the third comma and show as stricken.

16. On page 21, line 22, strike "utilities".

17. On page 23, line 6, strike the comma and show as stricken; in line 7 strike the first "shall" and show as stricken; in line 11 strike "shall be", show as stricken, and insert "are"; in line 22 strike the comma and show as stricken; and in line 23 strike ", and the", show as stricken, and insert ". The ".

18. On page 24, strike beginning with "the" in line 12 through "of" in line 13 and show as stricken.

19. On page 26, strike beginning with the comma in line 16 through "contained" in line 17, show the old matter as stricken, and insert ". Nothing".

20. On page 28, line 23, strike the new matter and insert ". It" and strike "that it" and show as stricken.

21. On page 29, line 4, strike ", and" and insert ". If "; in line 5 strike "that in case" and the comma and show as stricken; in lines 7 and 21 strike the comma and show as stricken; and in line 9 strike "thereof", show as stricken, and insert "of the district".

22. On page 30, line 17, strike the first comma and show as stricken; and after "or" insert "residents".

23. On page 31, line 2, strike the second comma and show as stricken; and in line 4 strike the comma and show as stricken.

24. On page 36, line 7, strike "a" and insert "the".

25. On page 37, lines 1 and 22, strike the first "utilities" and show as stricken; and in line 3 strike "such", show as stricken, and insert "the".

26. On page 38, line 9, strike the comma and show as stricken; in line 12 strike "He or she", show the old matter as stricken, and insert "The treasurer"; and in line 21 strike "Districts" and insert "A district".

27. On page 44, line 19, strike "utilities";

in line 20 reinstate the stricken "the" and strike "such"; and in line 22 after "securities" insert an underscored comma.

28. On page 45, strike beginning with "managers" in line 6 through "districts" in line 7, show the old matter as stricken, and insert "manager of the district"; and in line 9 strike "utilities".

29. On page 48, line 21, reinstate the stricken comma and strike "or" and show as stricken; and in line 23 strike the comma and show as stricken.

30. On page 49, lines 3 and 4, strike the comma and show as stricken.

31. On page 50, line 13, strike "utilities" and show as stricken.

32. On page 54, lines 2, 18, and 24, strike the comma and show as stricken; and in line 23 strike "class", show as stricken, and insert "classes".

33. On page 55, line 1, strike "class", show as stricken, and insert "classes"; and in line 17 strike "the provisions of" and show as stricken.

34. On page 56, lines 8 and 11, strike "class", show as stricken, and insert "classes"; and in lines 9 and 11 strike the comma and show as stricken.

35. On page 57, line 21, strike the second comma and show as stricken.

36. On page 58, line 2, strike "Where", show as stricken, and insert "When"; and in line 6 strike both commas and show as stricken and after the first stricken comma insert "or".

37. On page 60, lines 6 and 21, strike the comma and show as stricken; and in line 19 after the first comma insert "any".

38. On page 61, line 8, strike "this act contained", show as stricken, and insert "sections 14-101 to 14-138, 14-201 to 14-229, 14-360 to 14-376, 14-501 to 14-556, 14-601 to 14-609, 14-702, 14-704, and 14-804 to 14-816"; in line 22 strike the comma and show as stricken; and in line 25 strike ", and wherein", show as stricken, and insert "and in which".

39. On page 63, lines 2, 5, 9, 10, 17, 20, 22, and 25, strike the comma and show as stricken; in line 4 after the second "district" insert an underscored comma; and in line 6 after the second "main" insert an

underscored comma.

40. On page 64, line 25, strike the first comma and show as stricken.

41. On page 65, lines 2 and 5, reinstate the second stricken "or"; in line 6 after "district" insert an underscored comma; and in line 22 strike the comma and show as stricken.

42. On page 67, line 3, after the first comma insert "such"; in lines 17 and 18 strike the commas and show as stricken; and in line 19 after "which" insert "warrants".

43. On page 70, line 1, strike "class", show as stricken, and insert "classes"; and strike beginning with "utilities" in line 4 through "act" in line 5, show the old matter as stricken, and insert "metropolitan utilities districts".

44. On page 72, line 6, strike "district boards", show "boards" as stricken, and insert "districts".

45. On page 75, strike beginning with "to" in line 14 through "14-1006" in line 15; in line 20 after the first comma insert "71-6316,"; in line 21 strike "14-1005,"; and in line 22 after the first comma insert "32-1402,".

46. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 898. Placed on Select File as amended.
E & R amendment to LB 898:
AM5256

1. On page 1, line 4, after the semicolon insert "to change the manner of electing members of the Executive Board of the Legislative Council;".

2. On page 2, strike beginning with the second "the" in line 23 through "to" in line 24, show as stricken, and insert "may".

LEGISLATIVE BILL 989. Placed on Select File as amended.
E & R amendment to LB 989:
AM5257

1. In the Standing Committee amendment, AM2638, on page 1, line 1, strike "after" and insert "before"; and in line 2 strike the comma.

2. On page 5, line 7, reinstate the stricken comma.

(Signed) Eric Will, Chairperson

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 1272. Placed on General File as amended.
Standing Committee amendment to LB 1272:
AM2728

1. On page 2, line 5, after "the" insert "school"; in line 6 strike "school" and show as stricken; in lines 7 through 11 strike the new matter; in lines 12 through 14 reinstate the stricken matter; in line 14 after the reinstated "ward" insert "and such ward does not reside in a foster family home licensed or approved by the Department of Social Services or a foster home maintained or used by the Department of Correctional Services pursuant to section 83-108.04"; in line 21 after "state" insert "but not in advance"; in lines 22 and 23 reinstate the stricken matter; in line 25 after the period insert "The school district shall not charge tuition for any pupil who is a ward of the state or a ward of any court who resides in a foster family home licensed or approved by the Department of Social Services or a foster home maintained or used by the Department of Correctional Services pursuant to section 83-108.04.".

2. On page 4, line 13, strike "district" and show as stricken and after "school" insert "district".

(Signed) Ron Withem, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 1163. Placed on General File as amended.
Standing Committee amendment to LB 1163:
AM2941

1. On page 3, line 24, after "amended" insert ", except that the bank or trust company or affiliate of the bank or trust company shall not receive any compensation for providing such services to the

investment company or investment trust to the extent it receives any fees or compensation for providing substantially similar services in the investing, reinvesting, retaining, or exchanging of any interest held by the trust estate in the securities of such investment company or investment trust when acting as a fiduciary, agent, or otherwise, unless otherwise consented to in writing by the creator of the trust or by the affected beneficiary".

(Signed) David Landis, Chairperson

NOTICE OF COMMITTEE HEARING
Transportation

Governor Appointment Tuesday, February 25, 1992 1:30 p.m.
Ritchie C. Richardson - Motor Vehicle Industry Licensing Board

(Signed) Doug Kristensen, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 489 in the Journal. No objections. So ordered.

AM2964

1. Strike original section 2 and insert the following new sections:

"Section 1. That section 15-106, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

15-106. The proprietor of any land within the corporate limits of a city of the primary class or contiguous thereto may lay out such land into lots, blocks, public ways, and other grounds under the name of .... addition to the city of .... and shall cause an accurate plat thereof to be made, designating explicitly the land so laid out and particularly describing the lots, blocks, public ways, and grounds belonging to such addition. The lots shall be designated by number and ~~streets, and public~~ by street. Public ways and other grounds shall be designated by name and by number. Such plat shall be acknowledged before some officer authorized to take acknowledgment of deeds and shall have appended to it a certificate made by a registered land surveyor ~~to the effect~~ that he or she has accurately surveyed such addition and that the lots, blocks, public ways, and other grounds are staked and marked as required by such city. When such plat is ~~so~~ made, acknowledged, and certified, complies with the requirements of section 15-901, and is approved by the city ~~council~~ planning commission, such plat shall be filed and recorded in the office of the register of deeds and county assessor of the county. In lieu of approval by the city ~~council~~ planning commission, the city council may designate specific types of plats which may be approved by the city planning director. No plat shall be recorded in the office of the register of deeds or have any force or effect unless such plat is approved by the ~~city council of such~~ city planning commission or the city planning director. ~~It~~ The plat shall, after being filed with the register of deeds, be equivalent to a deed in fee simple absolute to the city, from the proprietor, of all streets, public ways, ~~public~~ squares, parks, and commons, and such portion of the land as is therein set apart for public use or dedicated to charitable, religious, or educational purposes. All additions thus laid out shall remain a part of the city, and all additions, except those additions as set forth in sections 15-106.01 and 15-106.02, ~~now or hereafter~~ laid out adjoining or contiguous to the corporate limits of a city of the primary class shall be included therein and become ~~thereby~~ a part of the city for all purposes. The inhabitants of such addition shall be entitled to all the rights and privileges and ~~shall be~~ subject to all the laws, ordinances, rules, and regulations of the city. The mayor and city council shall have power by ordinance to compel owners of any such addition to lay out streets and public ways to correspond in width and direction and to be continuous with the streets and public ways in the city or additions contiguous to or near the proposed addition. No addition shall have any validity, right, or privilege as an addition unless the terms and conditions of such ordinance and of this section are complied with, the plats thereof are submitted to and approved by the city ~~council~~ planning commission or the city planning director, and ~~such~~ the approval of the city planning commission or the city planning director is endorsed thereon.

Sec. 2. That section 15-901, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

15-901. No owner of ~~any~~ real estate located in ~~an area which is within~~ any city of the primary class or within three miles of the corporate limits of any city of the primary class, when such real estate is located in the same county as ~~such~~ the city ~~of the primary class~~ and outside of any organized city or village, shall be permitted to subdivide, plat, or lay out ~~said~~ the real estate in building lots and streets, or other portions of the same intended to be dedicated for public use or for the use of the purchasers or owners of lots fronting thereon or adjacent thereto, without first having obtained ~~the~~ approval ~~thereof~~ by the ~~city council~~ planning commission of such city. No ~~;~~ ~~and no~~ plat or subdivision of such real estate shall be recorded in the office of the register of deeds or have any force or effect unless the same ~~be~~ is approved by the ~~city council of such city. Such a~~ city planning commission. A city of the primary class shall have authority within the area ~~above described~~ to regulate the subdivision of land for the purpose, whether immediate or future, of ~~transfer of~~ transferring ownership or building development, except that the city shall have no power to regulate subdivision in those instances where the smallest parcel created is more than ten acres in area. A city of the primary class shall have authority ~~;~~ to prescribe standards for laying out subdivisions in harmony with the comprehensive plan; to require the installation of improvements by the owner, ~~or~~ by the creation of public improvement districts, or by requiring a good and sufficient bond guaranteeing installation of such improvements; and to require the dedication of land for public purposes.

Subdivision shall mean the division of a lot, tract, or parcel of land into two or more lots, sites, or other divisions of land for the purpose, whether immediate or future, of ownership or building development, except that the division of land shall not be considered to be subdivision when the smallest parcel created is more than ten acres in area.

Subdivision plats shall be approved by the city planning commission on recommendation by the planning director and public works and utilities department. The city planning commission ~~and shall be submitted to the council for its consideration and legislative action. The council~~ may withhold approval of a plat until the public works and utilities department has certified that the improvements required by the regulations have been satisfactorily installed, ~~or~~ until a sufficient bond guaranteeing installation of the improvements has been posted, ~~with the city~~ or until public improvement districts are created.

Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 3, strike beginning with "or" in line 5 through "tracts" in line 7.

3. On page 4, strike beginning with "25-2501" in line 4 through "25-2505" in line 5 and insert "15-106, 15-901, and 25-2501".

4. Renumber the remaining sections accordingly.

MESSAGE FROM THE GOVERNOR

February 13, 1992

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 21 was received in my office on February 11, 1992.

This bill was signed by me on February 13, 1992, and delivered to the Secretary of State.

Sincerely,

(Signed) E. Benjamin Nelson
Governor

ANNOUNCEMENT

Mr. Warner designates LB 988 as his priority bill.

REPORTS

Received report from the Department of Roads of the statement of deposits to the Highway Cash fund and Roads Operation Cash fund for January in compliance with section 66-4,144, R.S. Supp. 1991.

Received annual report from the Nebraska Energy Office in accordance to Section 81-1607, Nebraska Revised Statutes (1988 Supplement).

MOTION - Approve Appointments

Mr. Kristensen moved the adoption of the report of the Transportation Committee for the following Governor appointments found in the Journal on page 800: Larry Sitzman and Frank E. Landis - Nebraska Railway Council.

Voting in the affirmative, 26:

Baack
Beyer
Bohlke
Byars
Conway
Crosby
Cudaback
Elmer
Hartnett
Hefner
Horgan
Johnson, L.
Kristensen
Lamb
Landis
Lynch
Peterson
Rasmussen
Rogers
Schellpeper
Schimek
Schmit
Warner
Wehrbein
Will
Withem

Voting in the negative, 0.

Present and not voting, 8:

Bernard-Stevens
Beutler
Chambers
Hillman
Moore
Nelson
Robak
Wesely

Excused and not voting, 15:

Abboud
Ashford
Chizek
Coordsen
Dierks
Haberman
Hall
Johnson, R.
Labedz
Lindsay

Morrissey
Pirsch
Robinson
Schrock
Wickersham

These appointments were confirmed with 26 ayes, 0 nays, 8 present and not voting, and 15 excused and not voting.

Mr. Kristensen moved the adoption of the report of the Transportation Committee for the following Governor appointment found in the Journal on page 800: Kenneth M. Lemke - Railway Council.

Voting in the affirmative, 26:

Baack
Beyer
Bohlke
Byars
Chambers
Coordsen
Crosby
Cudaback
Elmer
Hartnett
Hefner
Horgan
Johnson, L.
Kristensen
Lamb
Landis
Lynch
Nelson
Peterson
Rogers
Schimek
Schmit
Warner
Wehrbein
Will
Withem

Voting in the negative, 0.

Present and not voting, 9:

Bernard-Stevens
Beutler
Conway
Hillman
Moore
Rasmussen
Robak
Schellpeper
Wesely

Excused and not voting, 14:

Abboud
Ashford
Chizek
Dierks
Haberman
Hall
Johnson, R.
Labedz
Lindsay
Morrissey
Pirsch
Robinson
Schrock
Wickersham

The appointment was confirmed with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

MOTION - Withdraw LB 1228

Mr. Schmit renewed his pending motion, found in the Journal on page 851, to withdraw LB 1228.

The Schmit motion to withdraw prevailed with 23 ayes, 0 nays, 12 present and not voting, and 14 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 239. Read. Considered.

LR 239 was adopted with 22 ayes, 0 nays, and 27 not voting.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 1140. Placed on General File.
LEGISLATIVE BILL 1193. Placed on General File.

(Signed) Gerald Conway, Chairperson

SELECT FILE

LEGISLATIVE BILL 928. E & R amendment, AM5242, found in the Journal on page 763, was adopted.

Ms. Schimek offered the following amendment:
AM2908

1. On page 3, after line 17, insert the following new subsection:

"(4) Any person who knowingly provides false information in an application or for use in an application for a permit under sections 18-1736 to 18-1741 shall be subject to a fine of not to exceed five hundred dollars.".

Ms. Schimek withdrew her pending amendment.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 933. E & R amendment, AM5241, found in the Journal on page 763, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 950. E & R amendment, AM5243, found in the Journal on page 763, was adopted.

Mr. Wehrbein renewed his pending amendment, AM2852, found in the Journal on page 787.

The Wehrbein amendment was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Ms. Schimek offered the following amendment:
AM2909

1. Insert the following new sections:

"Section 1. That section 19-405, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-405. Candidates for the office of council member provided for in section 19-404 shall be nominated at large ~~either~~ at a primary election ~~or, if no primary is held,~~ by filing pursuant to the requirements of this section and section 19-406, and no other names shall be placed upon the official ballot to be used at the general city election. Notwithstanding any more general law respecting the time or manner of holding primary elections, any primary election for making nominations shall be held on the fourth Tuesday preceding the date of the general city election provided by law in the city. ~~The council, by ordinance, may waive the requirement for a primary election in any year.~~

Any person desiring to become a candidate for council member shall file with the city clerk a statement of such candidacy. ~~If a primary election is to be held, such~~ Such statement shall be in substantially the following form:

State of Nebraska .... County, ss.

I, ... being first duly sworn, say that I reside at No. .... street in the city of ...., county of ...., and State of Nebraska; that I am a qualified voter of such city; that I am a candidate for nomination for the office of .... (specifying one of the positions named in section 19-415) to be voted upon at the primary election to be held on the .... day of .... 19...., and I hereby request that my name be printed upon the official primary ballot for nomination by such primary election for such office.

(Signed) ....

Subscribed and sworn to before me by .... this .... day of .... 19.... .

(Signed) ....

~~If no primary is to be held, such statement shall be in substantially the following form:~~

~~State of Nebraska, ... County, ss.~~

~~I, ... being first duly sworn, say that I reside at No. .... street in the city of ...., county of ...., and State of Nebraska; that I am a qualified voter of such city; that I am a candidate for election to the office of .... (specifying one of the positions named in section 19-415) to be voted upon at the general election to be held on the .... day of ...., 19...., and I hereby request that my name be printed upon the official general election ballot for election to such office.~~

~~(Signed) ....~~

~~Subscribed and sworn to before me by this .... day of .... 19.....~~

~~(Signed) ....~~

If a candidate is an incumbent, the statement of candidacy shall be filed at least seventy-five days prior to the date of the primary. ~~or, if no primary is held, the general election, notwithstanding any other law.~~ All other candidates shall file the statement of candidacy at least sixty days prior to the date of the primary. ~~or, if no primary is held, the general election, notwithstanding any other law.~~

Sec. 2. That section 19-409, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-409. The two candidates receiving the highest number of votes at the primary election ~~or, if no primary is held, all persons filing pursuant to sections 19-405 and 19-406 for each of the positions named in section 19-415~~ shall be the only candidates whose names shall be placed upon the official ballot for such position at the general city election. In cities where excise members are to be elected, the six candidates receiving the highest number of votes for excise members at the primary or all candidates, if there are less than six on the primary ballot ~~or if no primary is held,~~ shall be the only candidates whose names shall be placed upon the official ballot for excise members at the general city election in any such city.".

2. On page 3, line 20, strike "section" and insert "sections 19-405, 19-409, and"; and in line 21 strike "is" and insert "are".

3. Renumber the remaining sections accordingly.

Ms. Schimek withdrew her pending amendment.

Mr. Beutler offered the following amendment:
AM2917

1. On page 3, line 21, strike "is" and insert "and also section 19-420, Reissue Revised Statutes of Nebraska, 1943, are".

The Beutler amendment was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 982. Mr. Conway offered the following amendment:
AM2957

1. Strike original section 2 and renumber the remaining section accordingly.

2. On page 2, line 16, reinstate the stricken matter; in line 17 strike the new matter and after "issuance" insert "if issued prior to October 1, 1992, or one year after the date of its issuance if issued on or after October 1, 1992".

The Conway amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 982A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 1004. E & R amendment, AM5246, found in the Journal on page 763, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 906. Mr. Dierks reoffered his amendment, AM2811, found in the Journal on page 730.

The Dierks amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 971. Mr. Beutler offered the following amendment:
AM2976

1. On page 2, line 12, strike "is" and insert ", and also section 2-3613, Reissue Revised Statutes of Nebraska, 1943, are".

The Beutler amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

Mr. Withem asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 1011. E & R amendment, AM5244, found in the Journal on page 764, was adopted.

Mr. Schrock withdrew his pending amendment, AM2827, found in the Journal on page 746.

Mr. Schrock offered the following amendment:
FA267

1. Page 2, strike lines 16 through 25.
2. Page 3, line 1, strike "sections" and insert "section", strike "and"; line 2, strike "54-602", strike "are" and insert "is".

The Schrock amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1115. Mr. Beutler offered the following amendment:
FA268
"The copy of the annual audit submitted to the Auditor of Public Accounts as required by section 19-2905 shall be accompanied by a supplemental report, if appropriate, by the accountant making the audit identifying any illegal acts or indications of illegal acts discovered as a result of the audit."

The Beutler amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 984. Advanced to E & R for engrossment.
LEGISLATIVE BILL 985. Advanced to E & R for engrossment.
LEGISLATIVE BILL 877. Advanced to E & R for engrossment.

LEGISLATIVE BILL 877A. E & R amendment, AM5247, found in the Journal on page 765, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 878. Advanced to E & R for engrossment.
LEGISLATIVE BILL 879. Advanced to E & R for engrossment.
LEGISLATIVE BILL 999. Advanced to E & R for engrossment.
LEGISLATIVE BILL 1000. Advanced to E & R for engrossment.
LEGISLATIVE BILL 175. Advanced to E & R for engrossment.

UNANIMOUS CONSENT - Member Excused

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 1061. Title read. Considered.

Standing Committee amendment, AM2781, found in the Journal on page 741, was considered.

Mr. R. Johnson offered the following amendment to the Standing Committee amendment:
AM2920

(Amendments to Standing Committee amendment, AM2781)

1. Strike beginning with page 3, line 19, through page 5, line 22.

2. On page 1, lines 10 and 13, strike "thirty", show as stricken, and insert "forty".

3. On page 8, line 18, strike "2-1208.04,".

The R. Johnson amendment lost with 7 ayes, 12 nays, 24 present and not voting, and 6 excused and not voting.

Mr. Schellpeper offered the following amendment to the Standing Committee amendment:
AM2911

(Amendments to Standing Committee amendments, AM2781)

1. On page 7, line 23, strike "1992" and insert "1993".

The Schellpeper amendment was adopted with 21 ayes, 0 nays, 22 present and not voting, and 6 excused and not voting.

Mrs. Robak offered the following amendment to the Standing Committee amendment:
AM2915

1. Insert the following new section:

"Section 1. That section 2-1201, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-1201. There shall be and hereby is created a State Racing Commission consisting of ~~three~~ five members. The two new members shall be appointed for terms beginning in 1992. One of the new members shall be appointed for a term of two years and one for a term of three years. All members ~~who~~ shall be appointed and may be ~~for cause~~ removed for cause by the Governor. ~~One member shall be appointed each year for a term of three years~~ Except for the initial appointment of one new member, all members shall serve three-year terms. The members shall serve until their successors are appointed and qualified. ~~Not~~ No more than ~~two~~ three members of ~~said~~ the commission shall belong to the same political party; no more than two ~~of them~~ members shall reside, when appointed, in the same congressional district; and no more than one member ~~two of said members~~ shall reside in any one county. Any vacancy shall be filled by appointment by the Governor for the unexpired term. The members shall serve without compensation~~,~~ but shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties as provided in sections 81-1174 to 81-1177. ~~for state employees.~~ The members of the commission shall be bonded under the blanket surety bond required by section 11-201.".

2. On page 5, line 9, after "sections" insert "2-1201,".

3. Renumber the remaining sections accordingly.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

Mrs. Robak moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mrs. Robak requested a roll call vote on her amendment.

Voting in the affirmative, 16:

Beutler
Crosby
Cudaback
Dierks
Elmer
Hartnett
Lamb
Morrissey
Peterson
Pirsch
Robak
Robinson
Rogers
Schmit
Schrock
Wesely

Voting in the negative, 19:

Baack
Bernard-Stevens
Beyer
Bohlke
Byars
Haberman
Hefner
Johnson, L.
Johnson, R.
Kristensen
Landis
Lindsay
Moore
Nelson
Rasmussen
Schellpeper
Schimek
Wehrbein
Will

Present and not voting, 7:

Ashford
Chambers
Conway
Coordsen
Hillman
Horgan
Lynch

Absent and not voting, 1:

Warner

Excused and not voting, 6:

Abboud Hall Labedz Wickersham Withem
Chizek

The Robak amendment lost with 16 ayes, 19 nays, 7 present and not voting, 1 absent and not voting, and 6 excused and not voting.

The Chair declared the call raised.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 4 nays, 14 present and not voting, and 6 excused and not voting.

Mr. Will renewed the Hall pending amendment, AM2793, found in the Journal on page 820.

SPEAKER BAACK PRESIDING

Mr. Withem asked unanimous consent to be excused until he returns. No objections. So ordered.

PRESIDENT MOUL PRESIDING

Mr. Coordsen asked unanimous consent to be excused. No objections. So ordered.

Mr. Will withdrew the Hall pending amendment, AM2793.

Mr. Elmer offered the following amendment:
FA269
On Pg 4 Line 22, after the period add the following new language
"Such an application shall contain an environmental assessment of the facility and property to be operated or managed."

Mr. Elmer withdrew his pending amendment.

Messrs. Haberman and Cudaback asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 25 ayes, 3 nays, 14 present and not voting, and 7 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 240. Introduced by R. Johnson, 34.

PURPOSE: The purpose of this resolution is to examine all aspects of the public power industry in Nebraska including, but not limited to, merger of power districts, merger of power and irrigation districts, joint planning of both power supply and transmission facilities, access to transmission lines, and management of resources.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Mr. Ashford asked unanimous consent to print the following amendment to LB 556 in the Journal. No objections. So ordered.

AM2948

(Amendments to Standing Committee amendments, AM2560)

1. Insert the following new section:

"Sec. 7. (1) During the election period, no candidate shall accept a contribution from a person other than a political party in excess of twenty-five thousand dollars for candidates for Governor and Lieutenant Governor running jointly and ten thousand dollars for a candidate for State Treasurer, Secretary of State, Attorney General, or Auditor of Public Accounts. During the election period, no candidate shall accept a contribution from a political party in excess of one hundred thousand dollars for candidates for Governor and Lieutenant Governor running jointly and ten thousand dollars for a candidate for State Treasurer, Secretary of State, Attorney General, or Auditor of Public Accounts.

(2) During the election period, no candidate shall accept a contribution from a person in excess of five thousand dollars for a candidate for the Legislature and two thousand five hundred dollars for a candidate for the Public Service Commission, the Board of Regents, or the State Board of Education.

(3) During the election period, no candidate shall accept contributions from independent committees, corporations, unions, industry, trade, and professional associations, and political parties which, when aggregated, are in excess of three hundred fifty thousand dollars for candidates for Governor and Lieutenant Governor running jointly, fifty-two thousand five hundred dollars for a candidate for State Treasurer, Secretary of State, Attorney General, or Auditor of Public Accounts, seventeen thousand five hundred dollars for a candidate for the Legislature, and eight thousand seven hundred fifty dollars for a candidate for the Public Service Commission, the Board of Regents, or the State Board of Education.

(4) Any candidate violating the provisions of this section shall be guilty of a Class IV misdemeanor.".

2. On page 1, line 3, strike "7" and insert "8".

3. Renumber the remaining sections accordingly.

Mr. Beyer asked unanimous consent to print the following amendment to LB 353 in the Journal. No objections. So ordered.

AM2962

1. Insert the following new section:

"Sec. 30. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 4, line 9, strike "by January 1, 1992" and insert "as soon as possible after the operative date of this section".

3. On page 6, line 13; page 9, line 10; page

11, line 16; and page 22, line 15, strike "July 1" and insert "June 30".

4. On page 15, line 23, strike "may" and insert "shall".

5. On page 22, line 16, strike "January" and insert "their effective date."; and strike lines 17, 18, and 19.

6. In the Standing Committee amendments, AM0501, on page 1, line 15, strike "July 1" and insert "June 30".

Mr. Conway asked unanimous consent to print the following amendment to LB 664 in the Journal. No objections. So ordered.

AM2943

1. Insert the following new section:

"Sec. 2. That section 9-203, Uniform Commercial Code, be amended to read as follows:

U9-203. Attachment and enforceability of security interest; proceeds, formal requisites.

(1) Subject to the provisions of section 4-210 on the security interest of a collecting bank, section 8-321 on security interests in securities, and section 9-113 on a security interest arising under the article on Sales or the article on Leases, a security interest is not enforceable against the debtor or third parties with respect to the collateral and does not attach unless:

(a) the collateral is in the possession of the secured party pursuant to agreement, or the debtor has signed a security agreement which contains a description of the collateral and in addition, when the security interest covers crops growing or to be grown or timber to be cut, a description of the land concerned;

(b) value has been given; and

(c) the debtor has rights in the collateral.

(2) A security interest attaches when it becomes enforceable against the debtor with respect to the collateral. Attachment occurs as soon as all of the events specified in subsection (1) have taken place unless explicit agreement postpones the time of attaching.

(3) Unless otherwise agreed a security

agreement gives the secured party the rights to proceeds provided by section 9-306.

(4) A transaction, although subject to this article, is also subject to the Credit Union Act, the Nebraska Installment Sales Act, and sections 8-401 to 8-417.01, 8-815 to 8-829, and 45-114 to 45-158, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, and in the case of conflict between the provisions of this article and any such statute, the provisions of such statute control. Failure to comply with any applicable statute has only the effect which is specified therein.

(5) For the purposes of this section the debtor has no rights~~: (a)~~ in crops until they are planted or otherwise become growing crops~~,~~ or in the young of livestock until they are conceived. ~~;~~

~~(b) in fish until caught, in oil, gas, or minerals until they are extracted, or in timber until it is cut;~~

~~(c) in a contract right until the contract has been made; or~~

~~(d) in an account until it comes into existence.~~".

2. On page 16, line 18, after "sections" insert "9-203,".

3. Renumber the remaining sections accordingly.

STANDING COMMITTEE REPORT
Natural Resources

The Committee on Natural Resources desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Ray L. Balderson - Nebraska Ethanol Authority and Development Board
Stan Foster - Nebraska Ethanol Authority and Development Board
G. Neale Shaner - Nebraska Gasohol Committee
Erv Friehe - Nebraska Oil and Gas Conservation Commission

VOTE: Aye: Senators Elmer, Hartnett, Horgan, R. Johnson, Lamb, and Morrissey. Nay: none. Not voting: none. Absent: Senators Beutler and Schmit.

(Signed) Rod Johnson, Chairperson

UNANIMOUS CONSENT - Print in Journal

Messrs. Withem and Landis asked unanimous consent to print the following amendments to LB 1120 in the Journal. No objections. So ordered.

(1)

AM2950

(Amendments to Standing Committee amendments, AM2905)

1. Strike sections 3 to 6.

2. On page 20, strike the new matter and reinstate the stricken matter.

3. On page 40, line 5, strike "sections 8, 14, 15, 18, and" and insert "section"; and strike beginning with "and" in line 7 through the comma in line 9.

4. Renumber the remaining sections and correct internal references accordingly.

(2)

AM2968

(Amendments to Standing Committee amendments, AM2905)

1. On page 41, line 5, after the semicolon insert "in lines 8 and 12 after 'tangible' insert 'personal';".

(3)

AM2952

(Amendments to Standing Committee amendments, AM2905)

1. Strike amendment 4 and insert the following new amendment:

"4. On page 85, strike lines 19 through 25 and insert an underscored period.".

(4)

AM2953

(Amendments to Standing Committee amendments, AM2905)

1. Insert the following new section:

"Sec. 10. That section 77-2716.02, Revised Statutes Supplement, 1991, be amended to read as follows:

77-2716.02. (1) ~~For tax year 1991, there~~ There is hereby imposed on all taxpayers, in addition to the tax imposed by sections 77-2714 to 77-27,123, a surcharge of two percent of all depreciation. The surcharge imposed by this section shall be reported on a form prescribed by the Department of Revenue and shall be due and payable at the time the income tax return required by sections 77-2714 to 77-27,123 is due. No credits against the payment of any tax shall be allowed as a credit against the surcharge imposed by this section.

(2) For purposes of this section, depreciation shall mean any deduction for cost recovery allowable under section 167, 168, 169, or 179 of the Internal Revenue Code of 1986, as amended, on tangible property used in a trade or business or tangible property held for the production of income, other than motor vehicles required to be registered under sections 60-301 to 60-347, except that for a financial institution subject to the tax imposed by section 77-3802, depreciation shall mean any reduction in net financial income for cost recovery on tangible property used in a trade or business or tangible property held for the production of income, other than motor vehicles required to be registered under sections 60-301 to 60-347, that is comparable to amounts allowable under section 167, 168, 169, or 179 of the Internal Revenue Code of 1986, as amended.

(3) The following special rules shall be used in calculating the surcharge on depreciation:

(a) Each beneficiary shall include in his or her depreciation for purposes of computing the surcharge his or her proportionate share of the estate's or trust's depreciation;

(b) Each partner shall include in his or her depreciation for purposes of computing the surcharge his or her proportionate share of the partnership's depreciation;

(c) Each shareholder in a small business corporation shall include in his or her depreciation for purposes of computing the surcharge his or her proportionate share of the corporation's depreciation from the conduct of a business, trade, profession, or occupation within this state determined under subsection (2) of section 77-2734.01;

(d) For a corporate taxpayer that is subject to tax in another state, the surcharge shall be based on the depreciation connected with the taxpayer's operations in this state as determined through the use of the property factor contained in section 77-2734.12; and

(e) For a financial institution subject to the tax imposed by section 77-3802, the surcharge shall be based on the depreciation connected with the financial institution's operation in this state as determined through the use of the property factor contained in section 77-2734.12.

(4) For purposes of administering the surcharge imposed pursuant to this section, statutory provisions relating to the income tax shall apply, including provisions relating to interest, penalties, and estimated payments.

(5) In addition to the surcharge imposed by subsection (1) of this section, there is hereby imposed a surcharge of two percent of all depreciation of railroad operating property as described in section 77-602, the property of public service entities as defined in section 77-801.01, and the property of air carriers as defined in section 77-1244. The surcharge imposed by this subsection shall be levied and collected in the same manner as the surcharge imposed by subsection (1) of this section.

(6) The department shall adopt and promulgate rules and regulations to carry out this section.".

2. On page 1, line 1, after "8," insert "9,".

3. On page 40, line 12, strike "77-2716" and insert "77-2716.02".

4. Strike amendments 4 and 5 and renumber the remaining amendments accordingly.

Mr. Withem asked unanimous consent to print the following amendments to LB 1120 in the Journal. No objections. So ordered.

(1)

AM2967

(Amendments to Standing Committee amendments, AM2905)

1. On page 36, line 4, strike "Thirty" and insert "Twenty"; and in lines 12 and 16 strike "thirty" and insert "zero".

(2)

AM2965

(Amendments to Standing Committee amendments, AM2905)

1. On page 36, line 4, strike "Thirty" and insert "Twenty"; and in lines 12 and 16 strike "thirty" and insert "twenty-three".

(3)

AM2966

(Amendments to Standing Committee amendments, AM2905)

1. On page 36, line 4, strike "Thirty" and insert "Twenty"; and in lines 12 and 16 strike the new matter and reinstate the stricken matter.

STANDING COMMITTEE REPORTS
Transportation

LEGISLATIVE BILL 1178. Placed on General File as amended.
(Standing Committee amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM2553.)

LEGISLATIVE BILL 1214. Placed on General File as amended.
Standing Committee amendment to LB 1214:
AM2829

1. Strike original section 2 and insert the following new section:

"Sec. 2. (1) Whenever it is deemed desirable to establish a railroad preservation district, a petition shall be filed with the Secretary of State setting forth the area to be included in the district, together with the names of seven individuals who will serve as the initial board of directors of the railroad preservation district, signed by at least twenty percent of the registered voters voting in the last gubernatorial election within the area to be included in the railroad preservation district. The petition shall be on a form prescribed by the Secretary of State. The Secretary of State shall verify the validity of the petition signatures within thirty days of its filing. If the requisite number of signatures are found to be valid, the Secretary of State shall place the issue on the next primary or general election ballot in each county to be included in the proposed railroad preservation district. The form of the ballot to be used in the determination of such question shall be as follows:

SHALL A RAILROAD PRESERVATION DISTRICT BE FORMED WITH THE FOLLOWING INITIAL BOARD OF DIRECTORS?

For

Against.

(2) In the event the next primary or general election would be more than one hundred eighty days after the Secretary of State's verification of the petition, the Secretary of State shall (a) call a special election pursuant to Chapter 32 and the laws governing elections and (b) notify the election commissioners or county clerks of the counties comprising the area to be included in the railroad preservation district.

(3) The railroad preservation district shall be formed if approved by a majority of the votes cast in the election.".

(Signed) Doug Kristensen, Chairperson

Natural Resources

LEGISLATIVE BILL 981. Placed on General File.
LEGISLATIVE BILL 1028. Placed on General File.

LEGISLATIVE BILL 1206. Placed on General File as amended.
Standing Committee amendment to LB 1206:
AM2892

1. Strike original section 6.

2. On page 6, line 14, after the second comma insert "and"; and in line 15 after "and" insert "also".

3. Renumber remaining sections accordingly.

LEGISLATIVE BILL 1139. Indefinitely postponed.

LEGISLATIVE BILL 1176. Placed on General File.

(Signed) Rod Johnson, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 291. Placed on Select File as amended.
(E & R amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM5258.)

LEGISLATIVE BILL 922. Placed on Select File as amended.
E & R amendment to LB 922:
AM5261

1. On page 1, line 9, after the second semicolon insert "to eliminate provisions requiring duties to be performed by a certain date;".

LEGISLATIVE BILL 306. Placed on Select File as amended.
E & R amendment to LB 306:
AM5263

1. Because of the amendment of section 46-2,116 by Laws 1991, LB 772, section 5, and the repeal of section 46-2,117 by Laws 1991, LB 772, section 8, strike original sections 9 and 10 and insert the following new sections:

"Sec. 9. That section 46-2,116, Revised Statutes Supplement, 1991, be amended to read as follows:

46-2,116. In determining whether an application for an instream appropriation is in the public interest, the director shall consider the ~~following factors:~~

~~(1) The~~ economic, social, and environmental value of the instream use or uses including, but not limited to, recreation, fish and wildlife, public water supply, induced recharge for municipal water systems, and water quality maintenance. ~~; and~~

~~(2) The economic, social, and environmental value of reasonably foreseeable alternative out-of-stream uses of water that will be foregone or accorded junior status if the appropriation is granted.~~

Sec. 10. That original sections 46-202, 46-288, 46-2,107 to 46-2,110, and 46-2,115, Reissue

Revised Statutes of Nebraska, 1943, and section 46-2,116, Revised Statutes Supplement, 1991, are repealed.".

2. On page 1, line 3, after "1943" insert ", and section 46-2,116, Revised Statutes Supplement, 1991"; in line 6 strike "ground"; and strike beginning with "to" in line 11 through the semicolon in line 13.

3. On page 2, strike beginning with the first comma in line 1 through "1943" in line 2.

4. On page 7, line 24, after the first underscored comma insert "any".

LEGISLATIVE BILL 428. Placed on Select File as amended.
E & R amendment to LB 428:
AM5260

1. In the Standing Committee amendment, AM2538:

a. On page 3, lines 2 and 19, strike the comma;

b. On page 5, lines 3 and 6, after the period insert a comma; in line 9 after "number" insert "of the entity"; and in line 14 strike "act" and insert "Utilization Review Certification Act";

c. On page 6, lines 7 and 17, strike "its employees" and insert "employees of a utilization review agent"; in line 18 strike "its behalf" and insert "behalf of a utilization review agent"; and in line 22 strike both occurrences of "its" and after "behalf" insert "of the utilization review agent";

d. On page 8, lines 2 and 21, strike "it" and insert "the agent"; in line 8 strike "its employees" and insert "employees of the utilization review agent"; in line 9 strike "that refers" and insert "who refer"; and in lines 19 and 20 strike "its" and insert "the agent's";

e. On page 9, line 3, strike "(a)" and insert "(1)"; in line 4 strike "(b)" and insert "(2)"; and in line 6 strike "(c)" and insert "(3)"; and

f. On page 10, line 21, strike the comma.

2. On page 1, strike lines 2 and 3 and insert "the Utilization Review Certification Act; and to provide severability.".

LEGISLATIVE BILL 447. Placed on Select File as amended.
E & R amendment to LB 447:
AM5264

1. In the Bernard-Stevens amendment, AM2893, on page 1, line 5, strike "Children" and insert "Office of Child" and strike "Office".

2. In the Bernard-Stevens amendment, AM2862:

a. On page 2, line 10, strike the comma; and in line 20 after the first "the" insert "State";

b. On page 3, line 20, after "individuals" insert "which or"; and

c. On page 5, line 8, after "in" insert "subsection (1) of this" and strike "2"; and in line 9 strike "of this act".

3. On page 1, strike beginning with "amend" in line 1 through line 14 and insert "state findings and intent; to create the Youth Services Planning Commission and provide for its membership and location and for a chairperson; to provide powers and duties for the commission; and to state intent relating to funds appropriated for the commission.".

LEGISLATIVE BILL 946. Placed on Select File.
LEGISLATIVE BILL 338A. Placed on Select File.
LEGISLATIVE BILL 922A. Placed on Select File.

(Signed) Eric Will, Chairperson

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 120. Indefinitely postponed.
LEGISLATIVE BILL 273. Indefinitely postponed.
LEGISLATIVE BILL 299. Indefinitely postponed.
LEGISLATIVE BILL 460. Indefinitely postponed.
LEGISLATIVE BILL 504. Indefinitely postponed.
LEGISLATIVE BILL 524. Indefinitely postponed.
LEGISLATIVE BILL 686. Indefinitely postponed.
LEGISLATIVE BILL 804. Indefinitely postponed.
LEGISLATIVE BILL 924. Indefinitely postponed.
LEGISLATIVE BILL 972. Indefinitely postponed.
LEGISLATIVE BILL 994. Indefinitely postponed.
LEGISLATIVE BILL 995. Indefinitely postponed.

LEGISLATIVE BILL 1083. Indefinitely postponed.
LEGISLATIVE BILL 1094. Indefinitely postponed.
LEGISLATIVE BILL 1119. Indefinitely postponed.
LEGISLATIVE BILL 1254. Indefinitely postponed.

LEGISLATIVE RESOLUTION 4CA. Indefinitely postponed.
LEGISLATIVE RESOLUTION 214CA. Indefinitely postponed.
LEGISLATIVE RESOLUTION 215CA. Indefinitely postponed.

(Signed) Tim Hall, Chairperson

ANNOUNCEMENTS

Mr. Hall announced the Revenue Committee will meet in executive session this afternoon, February 18, 1992, at 4:30 p.m. in Room 1126.

Mr. Moore announced the Appropriations Committee will meet today in Room 1003.

VISITORS

Visitors to the Chamber were Jim Jones from Custer County; Larry Fangmeier from Hebron; and 14 Boy Scouts and leader from Troop 299, Bellevue.

ADJOURNMENT

At 12:00 noon, on a motion by Speaker Baack, the Legislature adjourned until 9:00 a.m., Wednesday, February 19, 1992.

Patrick J. O'Donnell
Clerk of the Legislature

LEGISLATIVE JOURNAL

NINETY-SECOND LEGISLATURE
SECOND SESSION

TWENTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 19, 1992

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Moul presiding.

PRAYER

The prayer was offered by Pastor Glen Pearson, Christ Is Lord Church, Irvington, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Bernard-Stevens, Beutler, Haberman, Hall, Lindsay, Moore, Schmit, Wesely, and Mrs. Labedz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-seventh day was approved.

ANNOUNCEMENT

Mr. Dierks designates LB 72 as his priority bill.

MESSAGES FROM THE GOVERNOR

February 18, 1992

Patrick J. O'Donnell
Clerk of the Legislature

State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 269 was received in my office on February 12, 1992.

This bill was signed by me on February 18, 1992, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

February 18, 1992

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 49, 312, 434, 435, 560, and 643 were received in my office on February 12, 1992; and Legislative Bills 757 and 758 were received on February 13, 1992.

These bills were signed by me on February 18, 1992, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 28, 275, and 275A.

(Signed) Eric Will, Chairperson

Enrollment and Review Change to LB 275A

The following changes, required to be reported for publication in the Journal, have been made:

ER7146

1. On page 2, lines 23 and 25, "if" has been struck and "on the date as of which" inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 1120. Placed on General File as amended.
(Standing Committee amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM2905.)

(Signed) Tim Hall, Chairperson

Health and Human Services

LEGISLATIVE BILL 1183. Placed on General File.

LEGISLATIVE BILL 1184. Placed on General File as amended.
Standing Committee amendment to LB 1184:
AM2871

1. Insert the following new section:

"Sec. 4. The teams established by sections 1 to 3 of this act shall not be considered a public body for purposes of sections 84-1408 to 84-1414.

Sec. 6. That section 28-713, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-713. (1) Upon the receipt of a report as required by section 28-711, it shall be the duty of the law enforcement agency to investigate the report, to take immediate steps to protect the child, and to institute legal proceedings if appropriate. The law enforcement agency may request assistance from the department during the investigation and shall, by the next working day, notify either the hotline or the appropriate child protective services unit of the department of receipt of the report, including whether or not an investigation is being undertaken by the law enforcement agency. A copy of all reports, whether or not an investigation is being undertaken, shall be provided to the department.

(2) The department shall investigate for the purpose of assessing each ~~case of alleged abuse or neglect and shall~~ report to determine the risk of harm to the child involved. The department shall also provide such social services as are necessary and appropriate under the circumstances to protect and assist the ~~abused or neglected~~ child and to preserve the family.

~~(2)~~ (3) The department may make a request for further assistance from the appropriate law enforcement agency or take such legal action as may be appropriate under the circumstances.

~~(3)~~ (4) The department shall, as soon as possible after receiving a report under subsection (1) of this section, make a written report or a ~~case~~ summary on forms provided by the department to the proper law enforcement agency in the county and ~~to the state Abused and Neglected Child Registry of all reported cases~~ enter in the central registry all reports opened for investigation of abuse or neglect and any action taken.

(5) The department shall, upon request, make available to the appropriate investigating law enforcement agency and the county attorney a copy of all reports relative to a case of suspected abuse or neglect. ~~with respect to all such cases on forms provided by the department.~~".

2. On page 5, line 4, strike "at least quarterly"; and in line 5 after the period insert "The number of meetings of the team shall be secondary to the caseload of the team, but each team shall meet at least quarterly.".

3. On page 8, line 3, after "original" insert "section 28-713, Reissue Revised Statutes of Nebraska, 1943, and"; and in line 4 strike "is" and insert "and also section 28-712, Revised Statutes Supplement, 1990, are".

4. Renumber the remaining section accordingly.

(Signed) Don Wesely, Chairperson

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 239.

MOTION - Approve Appointments

Mr. R. Johnson moved the adoption of the report of the Natural Resources Committee for the following Governor appointments found in the Journal on page 878: Ray L. Balderson and Stan Foster - Nebraska Ethanol Authority and Development Board; G. Neale Shaner - Nebraska Gasohol Committee; and Erv Friehe - Nebraska Oil and Gas Conservation Commission.

Voting in the affirmative, 28:

Ashford
Baack
Beyer
Bohlke
Byars
Chizek
Conway
Coordsen
Crosby
Cudaback
Elmer
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Johnson, R.
Kristensen
Landis
Lynch
Pirsch
Rogers
Schellpeper
Schimek
Schrock
Warner
Wehrbein
Will

Voting in the negative, 0.

Present and not voting, 11:

Chambers
Dierks
Lamb
Morrissey
Nelson
Peterson
Rasmussen
Robak
Robinson
Wickersham
Withem

Excused and not voting, 10:

Abboud
Bernard-Stevens
Beutler
Haberman
Hall
Labedz
Lindsay
Moore
Schmit
Wesely

These appointments were confirmed with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 764. With Emergency.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend sections 31-735 and 31-769, Reissue Revised Statutes of Nebraska, 1943, and section 31-727.03, Revised Statutes Supplement, 1991; to change the contents of a statement which is required to be filed; to change election procedures; to authorize detachment of certain property; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Ashford
Baack
Beutler
Beyer
Bohlke
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Cudaback
Dierks
Elmer
Haberman
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Johnson, R.
Kristensen
Lamb
Landis
Lindsay
Morrissey
Nelson
Peterson
Pirsch
Rasmussen
Robak
Robinson
Rogers
Schellpeper
Schimek
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 0.

Present and not voting, 1:

Lynch

Excused and not voting, 6:

Abboud
Bernard-Stevens
Hall
Labedz
Moore
Schmit

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 948. With Emergency.

A BILL FOR AN ACT relating to water; to authorize the delivery and use of stored water for irrigation purposes to lands not described in the appropriate permits subject to specified conditions; to provide a termination date; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Ashford
Baack
Beutler
Beyer
Bohlke
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Cudaback
Dierks
Elmer
Haberman
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Johnson, R.
Kristensen
Lamb
Landis
Lindsay
Lynch
Morrissey
Nelson
Peterson
Pirsch
Rasmussen
Robak
Robinson
Rogers
Schellpeper
Schimek
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 0.

Excused and not voting, 6:

Abboud
Bernard-Stevens
Hall
Labedz
Moore
Schmit

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

UNANIMOUS CONSENT - Member Excused

Mr. Chizek asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 1006. Title read. Considered.

Standing Committee amendment, AM2565, found in the Journal on page 594, was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 1006A. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

UNANIMOUS CONSENT - Member Excused

Mr. Wehrbein asked unanimous consent to be excused until he returns. No objections. So ordered.

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 310. Placed on General File.
LEGISLATIVE BILL 895. Placed on General File.
LEGISLATIVE BILL 957. Placed on General File.
LEGISLATIVE BILL 1059. Placed on General File.
LEGISLATIVE BILL 1195. Placed on General File.
LEGISLATIVE BILL 1199. Placed on General File.
LEGISLATIVE BILL 1237. Placed on General File.

LEGISLATIVE BILL 136. Indefinitely postponed.
LEGISLATIVE BILL 152. Indefinitely postponed.
LEGISLATIVE BILL 515. Indefinitely postponed.
LEGISLATIVE BILL 516. Indefinitely postponed.
LEGISLATIVE BILL 621. Indefinitely postponed.
LEGISLATIVE BILL 637. Indefinitely postponed.
LEGISLATIVE BILL 640. Indefinitely postponed.
LEGISLATIVE BILL 644. Indefinitely postponed.
LEGISLATIVE BILL 688. Indefinitely postponed.
LEGISLATIVE BILL 1118. Indefinitely postponed.
LEGISLATIVE BILL 1287. Indefinitely postponed.

(Signed) Jerry Chizek, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Ashford asked unanimous consent to print the following amendment to LB 145 in the Journal. No objections. So ordered.

AM2986

1. Insert the following new sections:

"Sec. 8. An amount equal to the costs incurred by an employer, including, but not limited to, wages and fringe benefits as defined in section 48-1229, due to family medical leave granted to an employee shall be allowed to the employer as a credit against the income tax imposed pursuant to sections 77-2714 to 77-27,123. The credit may be carried forward for succeeding tax years.

The Department of Revenue shall adopt and promulgate rules and regulations to carry out this section, including rules and regulations to define costs and to prescribe the documentation necessary to verify such costs.

Sec. 9. That section 77-2715.07, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2715.07. (1) There shall be allowed to qualified resident individuals as a credit against the tax imposed by sections 77-2714 to 77-27,123:

(a) A credit equal to the federal credit allowed under section 22 of the Internal Revenue Code;

(b) A credit equal to twenty-five percent of the federal credit allowed under section 21 of the Internal Revenue Code; and

(c) A credit for taxes paid to another state as provided in section 77-2730.

(2) There shall be allowed to all individuals as a credit against the tax imposed by the Nebraska Revenue Act of 1967:

(a) A carryover of the credit for renewable energy source systems as provided under section 66-1047; ~~and~~

(b) A credit for contributions to certified community betterment programs as provided in the Community Development Assistance Act. Each partner or each shareholder of an electing subchapter S corporation shall report his or her share of the credit in the same manner and proportion as he or she reports the partnership or subchapter S corporation income; and

(c) A credit for costs incurred pursuant to the Family Medical Leave Act as provided in section 8 of this act.

Sec. 10. That section 77-2734.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2734.03. (1) Any (a) corporation subject to tax under Chapter 77, article 9, or section 81-523, (b) electric cooperative organized under ~~Chapter 70, article 14~~ the Joint Public Power Authority Act, or (c) credit union shall be credited, in the computation of the tax due under the Nebraska Revenue Act of 1967, with the amount paid during the taxable year as taxes in lieu of intangible tax.

(2) There shall be allowed to corporate taxpayers a credit for nonhighway use motor vehicle fuels as provided in section 66-4,124.

(3) There shall be allowed to corporate taxpayers a renewable energy source systems credit or a builder's credit as provided in sections 66-1048 and 66-1050.

(4) There shall be allowed to corporate taxpayers a tax credit for contributions to community betterment programs as provided in the Community Development Assistance Act.

(5) There shall be allowed to corporate taxpayers a tax credit for costs incurred pursuant to the Family Medical Leave Act as provided in section 8 of this act.

Sec. 11. Sections 1 to 8 and 11 of this act shall become operative on January 1, 1993. The other sections of this act shall become operative for all taxable years beginning or deemed to begin on or after January 1, 1993, under the Internal Revenue Code of 1986, as amended.

Sec. 12. That original sections 77-2715.07 and 77-2734.03, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

2. On page 2, line 1, strike "This" and insert "Sections 1 to 8 of this".

3. In the Standing Committee amendments,

AM0817, strike amendment 1 and renumber the remaining amendments accordingly.

4. Insert underscoring in original sections 1 to 7 and all amendments thereto.

Mr. Haberman asked unanimous consent to print the following amendment to LB 1120 in the Journal. No objections. So ordered.

AM2972

(Amendments to Standing Committee amendments, AM2905)

1. On page 5, strike beginning with "Gross" in line 5 through line 7 and show as stricken.

2. On page 7, line 15, reinstate the stricken "(d)" and after the reinstated "(d)" insert "The"; reinstate the stricken matter beginning with "amount" in line 16 through line 21; in line 18 after the reinstated "sold" insert ", which tangible personal property is primarily used for agricultural purposes,"; and in line 22 strike the new matter and reinstate the stricken matter.

3. On page 8, lines 5, 9, and 12, strike the new matter and reinstate the stricken matter.

4. On page 20, line 15, after the comma insert "the gross receipts from membership dues,".

RESOLUTIONS

LEGISLATIVE RESOLUTION 241. Introduced by Haberman, 44; Schimek, 27.

PURPOSE: The purpose of this resolution is to examine the practice of using judicial nominating commissions in the selection of judges. The Legislature recognizes that the judiciary is an important branch of state government. The executive and legislative branches rely on the electoral process in selecting key decisionmakers. In 1962 the constitutional amendment authorizing the merit plan for the selection of judges was adopted. The integrity of government is tied to open proceedings and public accountability. The Legislature should examine the practices, composition, and powers of the judicial nominating commissions and whether any changes are needed or desirable.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 242. Introduced by Haberman, 44.

PURPOSE: The states of Maine, North Dakota, Oregon, and Washington currently have legislation requiring purchasers of beer kegs to fill out a form with their name, address, and other information on it which corresponds to a numbered identification sticker on the keg. This legislation has enabled law enforcement officials to more easily track down people who supply beer to minors. The purpose of this resolution is to study whether such legislation would be beneficial to Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 764 and 948.

GENERAL FILE

LEGISLATIVE BILL 1008. Title read. Considered.

Standing Committee amendment, AM2609, found in the Journal on page 639, was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Mr. Beutler asked unanimous consent to be excused. No objections. So ordered.

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

Messrs. Horgan, Ashford, and Mrs. Rasmussen withdrew their pending amendment, AM2417, found in the Journal on page 492.

Mr. Haberman offered the following amendment:
FA270
Lower fee in LB 1008 from 7.00 to 1.00

Mr. Horgan requested a ruling of the Chair on whether the Haberman amendment is germane to the bill.

The Chair ruled the Haberman amendment is not germane to the bill.

Mr. Haberman moved to indefinitely postpone LB 1008.

Mr. Haberman withdrew his motion to indefinitely postpone.

Mr. Haberman offered the following amendment:
FA271
No fee assessed pursuant to the authority granted under this bill shall exceed $1 per month per household

Mr. Horgan offered the following amendment to the Haberman pending amendment:
FA272
Amend Haberman FA271
Strike the period after "household" & insert: "and shall include every village, city and municipality currently authorized to collect a fee for garbage disposal under 19-2106."

Mr. Horgan withdrew his pending amendment.

Mrs. Robak and Mr. Schmit asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Wehrbein moved the previous question. The question is, "Shall the debate now close?"

Mr. Horgan moved for a call of the house. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

The motion to cease debate prevailed with 26 ayes, 2 nays, and 21 not voting.

The Haberman pending amendment, FA271, lost with 2 ayes, 27 nays, 15 present and not voting, and 5 excused and not voting.

Pending.

The Chair declared the call raised.

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 19, 1992, at 10:35 a.m., were the following bills: 764 and 948.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

ANNOUNCEMENTS

Mr. Conway designates LB 1135 as his priority bill.

Mr. Hartnett designates LB 1240 as his priority bill.

Mrs. Crosby designates LB 1059 as her priority bill.

STANDING COMMITTEE REPORT
Revenue

LEGISLATIVE BILL 1240. Placed on General File as amended.
(Standing Committee amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM2885.)

(Signed) Tim Hall, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 470 in the Journal. No objections. So ordered.

(Amendment on file in the Clerk's Office - Room 2018 - AM2958.)

Mr. Withem asked unanimous consent to print the following amendment to LB 1120 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM3001.)

UNANIMOUS CONSENT - Bracket LB 111

Mr. Dierks asked unanimous consent to bracket LB 111 on E & R Final. No objections. So ordered.

UNANIMOUS CONSENT - Bracket LB 339

Mr. Lamb asked unanimous consent to bracket LB 339 on E & R Final. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 1008 Mr. Chambers offered the following amendment:
FA273

No fee shall be assessed pursuant to the authority granted under LB 1008 unless a majority of those voting at a regular election shall vote affirmatively to assess such a fee.

Mr. Beyer moved the previous question. The question is, "Shall the debate now close?"

Mr. Horgan moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

The motion to cease debate prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 14:

Abboud
Ashford
Bohlke
Chambers
Crosby
Cudaback
Haberman
Labedz
Lamb
Lindsay
Lynch
Nelson
Pirsch
Will

Voting in the negative, 18:

Baack
Beyer
Elmer
Hefner
Horgan
Johnson, L.
Johnson, R.
Kristensen
Landis
Moore
Morrissey
Rasmussen
Schimek
Schrock
Warner
Wehrbein
Wesely
Withem

Present and not voting, 12:

Bernard-Stevens
Byars
Conway
Coordsen
Dierks
Hartnett
Hillman
Peterson
Robinson
Rogers
Schellpeper
Wickersham

Excused and not voting, 5:

Beutler
Chizek
Hall
Robak
Schmit

The Chambers amendment lost with 14 ayes, 18 nays, 12 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Haberman offered the following amendment:
FA274

Add the following new language:

All monies collected by city assessed garbage collection fees shall be used to reduce the amount of property tax assessed and collected in a like amount.

Messrs. R. Johnson, Peterson, and Cudaback asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Pirsch moved the previous question. The question is, "Shall the debate now close?"

Mrs. Pirsch moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

The motion to cease debate prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. Haberman requested a roll call vote on his amendment.

Voting in the affirmative, 11:

Abboud
Chambers
Dierks
Haberman
Labedz
Lamb
Lindsay
Morrissey
Pirsch
Wesely
Will

Voting in the negative, 21:

Ashford
Baack
Bernard-Stevens
Byars
Conway
Crosby
Elmer
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Kristensen
Landis
Rasmussen
Rogers
Schimek
Schrock
Warner
Wehrbein
Withem

Present and not voting, 8:

Beyer
Bohlke
Coordsen
Moore
Nelson
Robinson
Schellpeper
Wickersham

Absent and not voting, 1:

Lynch

Excused and not voting, 8:

Beutler
Chizek
Cudaback
Hall
Johnson, R.
Peterson
Robak
Schmit

The Haberman amendment lost with 11 ayes, 21 nays, 8 present and not voting, 1 absent and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Mr. Chambers offered the following amendment:
FA275
Amend: Strike section 2

Messrs. Lynch, Hefner, Kristensen, Schellpeper, Rogers, Ashford, and Haberman asked unanimous consent to be excused. No objections. So ordered.

SPEAKER BAACK PRESIDING

PRESIDENT MOUL PRESIDING

Ms. Schimek, Messrs. Coordsen, Lamb, L. Johnson, Dierks, Wehrbein, and Robinson asked unanimous consent to be excused. No objections. So ordered.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 988 in the Journal. No objections. So ordered.

FA276

1. On page 6, line 4, after "shall" insert "be selected by the Executive Board of the Legislative Council and shall be either" and strike "mean"; in line 17, strike "a"; in line 18, strike "majority" and insert "Executive Board"; in line 23, strike "regular session of the".
2. On page 17, line 16, after "committee" insert "final" and on line 19, after "file" insert "with the committee".

Mrs. Hillman asked unanimous consent to print the following amendment to LB 1120 in the Journal. No objections. So ordered.

AM2995

(Amendments to Standing Committee amendments, AM2905)

1. Strike section 8.
2. On page 40, lines 5 and 6, strike "18, and 37" and insert "and 18".
3. Renumber the remaining sections and correct internal references accordingly.

RESOLUTIONS

LEGISLATIVE RESOLUTION 243. Introduced by Revenue Committee: Hall, 7, Chairperson; Haberman, 44; Hefner, 19; Landis, 46; Peterson, 21; Rogers, 41; Warner, 25; Will, 8.

WHEREAS, the Revenue Committee of the Legislature and the Legislature have been grappling with the personal property tax situation, with the intent to resolve the situation; and

WHEREAS, the Legislature does not intend to require unnecessary filing by any person before the passage of any bill regarding personal property tax; and

WHEREAS, section 77-1229, Reissue Revised Statutes of Nebraska, 1943, allows for a hardship to be granted, and the requirement to file personal property tax forms by March 1st can be delayed to March 31st.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature strongly encourages the county assessor of each county in the state to declare hardship on all personal property filings and to not require filings on personal property until March 31st.
2. That a copy of this resolution be sent by the Revenue Committee to each county assessor in the state and to the State Tax Commissioner.

Laid over.

LEGISLATIVE RESOLUTION 244. Introduced by Chizek, 31.

PURPOSE: The purpose of this resolution is to study the problem of overcrowding in Nebraska's public schools. The study shall specifically address the following issues:

(1) Student-teacher ratios;

(2) The relationship, if any, of student-teacher ratios to graduation rates; and

(3) Any other issue the committee deems necessary to carry out the study.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

ANNOUNCEMENTS

The Transportation Committee designates LB 1065 and LB 1067 as its priority bills.

Mrs. Pirsch designates LB 1001 as her priority bill.

Mr. Wickersham designates LB 1237 as his priority bill.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 126, 169, 274, 319, 366, 366A, 415, 641, 706, 706A, 722, 734, 907, and 921.

(Signed) Eric Will, Chairperson

Enrollment and Review Change to LB 126

The following changes, required to be reported for publication in the Journal, have been made:
ER7144

1. In the Hall amendment, AM2926:

a. On page 1, line 14; and page 2, line 1, "rules" has been struck and "Nebraska Rules of the Road" inserted; and

b. On page 2, line 3, an underscored comma has been inserted after "state"; in line 5 "provisions of" has been struck and shown as stricken; and in line 6 the first "the" has been struck.

2. On page 1, the matter beginning with "the" in line 1 through "section" in line 2 has been struck and "highways and roads; to amend sections 39-603 and" inserted; in line 3 "to prohibit certain regulations by city airport authorities for use of highways and roads as prescribed;" has been inserted after the semicolon; and in line 6 "section" has been struck and "sections" inserted.

Enrollment and Review Change to LB 722

The following changes, required to be reported for publication in the Journal, have been made:
ER7143

1. In the Schimek amendment, AM2453:

a. On page 1, line 16, an underscored comma has been inserted after "centers"; and

b. On page 2, line 3, "third party" has been struck and "third-party," inserted; and in line 6 "subsection" has been struck and "subdivision" inserted.

2. On page 1, the matter beginning with "the" in line 1 through line 7 has been struck and "telecommunications; to amend sections 49-1446.01, 49-1446.02, and 81-1120.27, Reissue Revised Statutes of Nebraska, 1943; to authorize the expenditure and transfer of funds for telephone and telefax machines for officeholders; to authorize the use of the state's telecommunications systems for essential personal business; and to repeal the original sections." inserted.

On page 4, line 14, the comma has been struck; in line 16 "and" has been struck and a comma inserted; and in line 17 after the first comma "and 81-1120.27," has been inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

VISITORS

Visitors to the Chamber were 90 ninth grade students and teacher from Thomas Jefferson High School, Council Bluffs, Iowa; Mr. and Mrs. Jim Dam; leadership group from Kearney; and 14 juniors, seniors, and teacher from David City High School.

The Doctor of the Day was Gil Head from Omaha.

ADJOURNMENT

At 12:11 p.m., on a motion by Speaker Baack, the Legislature adjourned until 9:00 a.m., Thursday, February 20, 1992.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-NINTH DAY - FEBRUARY 20, 1992

LEGISLATIVE JOURNAL

TWENTY-NINTH DAY - FEBRUARY 20, 1992

LEGISLATIVE JOURNAL

NINETY-SECOND LEGISLATURE
SECOND SESSION

TWENTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 20, 1992

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Baack presiding.

PRAYER

The prayer was offered by Pastor Charles Tyler, St. Johns African-Methodist-Episcopal (A.M.E.), Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Labedz who was excused; and Messrs. Abboud, Ashford, Beutler, Byars, Dierks, Horgan, R. Johnson, Kristensen, Lynch, Schmit, and Mrs. Rasmussen who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-eighth day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 928, 933, 950, 982, and 982A.

(Signed) Eric Will, Chairperson

Enrollment and Review Change to LB 950

The following changes, required to be reported for publication in the Journal, have been made:
ER7148

1. On page 1, line 5, "to eliminate a penalty for exertion of influence by an officer or employee;" has been inserted after the semicolon; and in line 6 ", and also section 19-420, Reissue Revised Statutes of Nebraska, 1943" has been inserted after "section".
2. On page 3, line 15, "cities" has been struck, shown as stricken, and "city" inserted.

Enrollment and Review Change to LB 982

The following changes, required to be reported for publication in the Journal, have been made:
ER7147

1. On page 1, the matter beginning with the second "to" in line 5 through the semicolon in line 6 has been struck.

(Signed) Mary E. Sommermeyer
E & R Attorney

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1206A. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1206, Ninety-second Legislature, Second Session, 1992; to reduce an appropriation; and to declare an emergency.

ATTORNEY GENERAL'S OPINION

Opinion No. 92024

DATE: February 14, 1992

SUBJECT: LB 872

REQUESTED BY:	Senator Hefner District No. 19
WRITTEN BY:	Kenneth W. Payne Assistant Attorney General
QUESTION:	Whether there are any constitutional problems with LB 872.
ANSWER:	It is our opinion that the legislation is constitutional but no doubt will be subject to attacks regarding venue, jurisdiction, arrest and search and seizure issues.

Your inquiry is whether there are any constitutional or legal problems with the bill and if there are problems to make any helpful suggestions.

LB 872, relates to motor vehicle operation and the taking of chemical tests to determine the blood-alcohol level of drivers who have been taken across state lines for medical purposes. LB 872 also attempts to allow evidence (test results) received from out-of-state to be admissible in Nebraska.

In commenting upon the constitutionality of this legislation, it is our opinion that the legislation is constitutional but no doubt will be subject to attacks regarding venue, jurisdiction, arrest and search and seizure issues.

Case law following the implied consent statute, Neb.Rev.Stat. §39-669.08, has held that in order to effectuate implied consent, the person from whom a blood sample is taken "must have been arrested or taken into custody before test is given." State v. Baker, 184 Neb. 724, 171 N.W.2d 798 (1960). Thus, in order for the implied consent to remain in effect after leaving this state under current law, an arrest of the driver must be made so the person is in custody prior to taking the chemical tests.

For purposes of discussion, let us assume a person is in an accident in Nebraska and is taken to a hospital in Iowa before an arrest is made. Pursuant to Baker, supra, an arrest would have to be made in order for the implied consent law to be effective. A Nebraska law enforcement officer is not empowered to make an arrest in another state. The legislature cannot by statute confer on its state's officers any power to make an arrest in another state. 5 Am.Jur.2d Arrest §50 p. 743. In other words, without an arrest before crossing over to another state, the implied consent law is not effective.

Notwithstanding, LB 872 at Section 9 of 39-669.08 obviates the requirement of an arrest in implied consent procedures growing out of a motor vehicle accident. It would be our suggestion that instead of using the phrase "motor vehicle accident" that it should read "the person has been involved in a motor vehicle accident or collision resulting in personal injury or death."

It would be our suggestion that subsection 9 read as follows:

> Any person involved in a motor vehicle accident or collision resulting in personal injury or death shall be required to submit to a chemical test of his or her blood, breath, or urine by any law enforcement officer of this or any other state if the officer has reasonable grounds to believe that the person was driving or was in actual physical control of the motor vehicle on a public highway in the State while under the influence of alcoholic liquor or drugs at the time of the accident. A person involved in a motor vehicle accident subject to the implied consent law of this State should not be deemed to have withdrawn consent to submit to a chemical test of his or her blood, breath or urine by reason of leaving the State. If the person leaves the State for any reason following an accident, he or she shall remain subject to subsection (4) of this Section and Section 39- 669.16 upon return.

Leaving in the language on line 6 "refuses a test under this section and" only adds another element to be proved and is not necessary and therefore we would suggest that it be deleted.

LB 872 takes into consideration the circumstances wherein law enforcement officers attending to emergency duties at a scene of an accident may not have time to place a driver of one of the motor vehicles under arrest and demand a chemical test.

An example of how the statutory procedure in LB 872 may work is illustrated in the case of State v. Wagner, 359 N.W.2d 487 (Iowa 1984).

The Iowa Supreme Court in State v. Wagner, supra, found that a State agency is not precluded from taking action outside of its own state to carry out its statutory mission if such action does not intrude upon the sovereignty of another state. The Court also stated that in a prosecution for involuntary manslaughter based on traffic related fatalities, the trial court did not err in denying defendant's motion to suppress results of the chemical test even though a Iowa peace officer invoked the complied consent procedure for chemical testing while defendant was being treated for injuries in a Wisconsin hospital, since in initiating the implied consent procedure, the trooper was merely acting as the agent of the Iowa Department of Transportation for purposes of administering the laws of Iowa pertaining to revocation of an Iowa's drivers license in an automobile accident upon which the revocation proceeding would be based occurred in Iowa. The defendant in this case urged that a peace officer, acting in his official capacity, may make an arrest only within the State from which his activity is derived, as an arrest in a foreign state is unlawful, unless it can be justified as an arrest by a private person under the laws of the State where the arrest is made. The Court stated that the significance of the limitations which the law places on extra territorial arrest powers is diminished in the present case because the propriety of the implied consent procedure does not turn on the State troopers authority to arrest the defendant. The present charges were based on acts which occurred in September of 1982. . . A statutory change which became effective July 1, 1982 obviated the requirement of an arrest in an implied consent proceeding growing out of a personal injury accident. The court also stated that the acts upon which the revocation proceedings would be based occurred in the State of Iowa.

The expected constitutional challenge relating to LB 872 is whether the acquisition of the blood test results by the prosecution without a warrant violates the Fourth Amendment. Under LB 872, the blood tests are taken for medical purposes.

The Michigan Supreme Court faced this Fourth Amendment challenge in the case of People v. Perlos, 462 N.W.2d 310 (Mich. 1990). In that case, the Michigan Supreme Court in held that the acquisition of blood test results by prosecution without warrant did not violate the fourth amendment or state constitution. The Court stated "the search" "performed here, i.e., the removal of the blood sample from defendant, was done strictly for purposes of medical treatment and not at the direction of the police, the prosecutor or state agents. Thus, the actual removal of the blood sample is not a search protected by the Fourth Amendment, since state action is not involved." The Court next inquired as to the acquisition of the blood test results. The inquiry was whether the State's request and acquisition of blood test results without a search warrant infringed on defendant's Fourth Amendment privacy interests. The Court stated the People of the State of Michigan, through action of the legislature, has indicated that they do not recognize a reasonable expectation of privacy in the results of blood alcohol test taken from the driver of a car in an accident, where the test was administered by hospital staff pursuant to medical treatment or diagnosis.

Next, in 39-669.11(2) the problem area with (2) is the language as follows:

> To be considered valid tests under Section 39-669.08 shall be performed according to methods approved by the Department of Health. . .

The methods for obtaining chemical samples in another State may not be the same as of the Department of Health and therefore this would cause an evidence admissibility problem. It would be suggested that the language be changed to the effect, such as, according to the methods approved by the Department of Health of this State or the State wherein the blood sample was taken.

I do not see a problem with Section 39-669.11(3) dealing with relevant evidence.

Subsection (2) of 39-669.12 deals with the situation where a law enforcement officer from another State requests that a physician, etc., in this State to withdraw blood for purposes of a chemical test to determine the alcoholic content. This section goes on to state that the physician will not be civilly or criminally liable if the "asking" State has a similar civil or criminal liability act. Unless there is some form of an interstate compact agreement, a practical problem might be that the officer would have to have some form of a "certificate" that would have to be shown to the doctor before he would perform the test. It should also be noted that although the physician may be asked to obtain the test, it should remain clear that the out-of-state officer would have no actual authority to force the Nebraska physician to withdraw the blood.

Subsection (4) of 39-669.12 consists of three subsections (1), (2) and (3) seem to be on solid ground.

Section 60-4,164(6), we would suggest that the language commencing on line 20 should read "if the person leaves the State for any reason following an accident, he or she shall remain subject to this Section upon return." Once again we do not feel that it is necessary to have the element that he or she refused a test before leaving the State.

In addition to the new provisions of the proposed legislation, it would be our recommendation that a compact be entered into between Nebraska and other contiguous states, authorizing contiguous state law enforcement officers to arrest based upon Nebraska law enforcement officers probable cause and giving those out-of-state officers the authority to invoke Nebraska's implied consent law. In the alternative, that Nebraska officers be given extra territorial authority to arrest from the contiguous states.

Very truly yours,
DON STENBERG
Attorney General
(Signed) Kenneth W. Payne
Assistant Attorney General

cc: Patrick J. O'Donnell
Clerk of the Legislature
34-705-4

UNANIMOUS CONSENT - Print in Journal

Mr. Baack asked unanimous consent to print the following amendment to LB 989 in the Journal. No objections. So ordered.

AM3019

1. On page 7, line 24, strike "ten" and insert "five".

MESSAGE FROM THE GOVERNOR

February 19, 1992

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 764e was received in my office on February 19, 1992.

This bill was signed by me on February 19, 1992, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

ANNOUNCEMENTS

The Education Committee designates LB 1125 and LB 1045 as its priority bills.

The Urban Affairs Committee designates LB 369 as its priority bill.

Mrs. Bohlke designates LB 431 as her priority bill.

The Government, Military and Veterans Affairs Committee designates LB 1133 and LB 1046 as its priority bills.

RESOLUTION

LEGISLATIVE RESOLUTION 243. Read. Considered.

Mr. Chambers asked unanimous consent to be excused until he returns. No objections. So ordered.

LR 243 was adopted with 28 ayes, 0 nays, and 21 not voting.

STANDING COMMITTEE REPORT
Transportation

The Committee on Transportation desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Nebraska Motor Vehicle Industry Licensing Board
  Robert McLaughlin
  Nathan L. Love
  Robert L. Spady

VOTE: Aye: Senators Beyer, Byars, Horgan, Kristensen, Robak, and Wickersham. Nay: none. Absent: Senators Peterson and Pirsch.

(Signed) Doug Kristensen, Chairperson

ANNOUNCEMENTS

Mr. Schellpeper designates LB 1092 as his priority bill.

Mr. Lindsay designates LB 1192 as his priority bill.

PRESIDENT MOUL PRESIDING

GENERAL FILE

LEGISLATIVE BILL 1120. Title read. Considered.

Standing Committee amendment, AM2905, printed separately from the Journal and referred to on page 891, was considered.

Mr. Hall offered the following amendment to the Standing Committee amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM2988.)

Mr. Coordsen asked unanimous consent to be excused. No objections. So ordered.

Pending.

ANNOUNCEMENTS

Mrs. Nelson designates LB 672 as her priority bill.

The Nebraska Retirement Systems Committee designates LB 1040 as its priority bill.

The General Affairs Committee designates LB 1130 as its priority bill.

Mr. Lamb designates LB 1238 as his priority bill.

Mrs. Robak designates LB 1098 as her priority bill.

Mr. Kristensen designates LB 899 as his priority bill.

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 1220. Placed on General File as amended.
Standing Committee amendment to LB 1220:
AM3003

1. Strike the original sections and insert the following new sections:

"Section 1. That section 44-4226, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

44-4226. (1) The pool shall offer major medical expense coverage to every eligible person. The coverage to be issued by the pool, its schedule of benefits, and exclusions and other limitations shall be established through rules and regulations adopted and promulgated by the director taking into consideration the advice and recommendations of the ~~pool~~ members.

(2) The pool shall offer separate medicare supplement coverage for persons eligible for medicare other than by reason of age. No benefits shall be provided for expenses that are not medicare-eligible expenses except for prescription drugs.

(3) In establishing the pool coverage, the director shall take into consideration the levels of health insurance provided in the state and such medical economic factors as may be deemed appropriate and shall

determine benefit levels, deductibles, coinsurance and stop-loss factors, exclusions, and limitations determined to be generally reflective of and commensurate with individual health insurance coverage provided by the five insurers writing the largest amount of individual health insurance coverage in the state.

~~(3)~~ (4) Pool coverage established under this section shall provide both an appropriate high and low deductible to be selected by the pool applicant. The deductibles and coinsurance and stop-loss factors may be adjusted annually according to the medical component of the Consumer Price Index.

Sec. 2. That original section 44-4226, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

LEGISLATIVE BILL 1243. Placed on General File as amended.
Standing Committee amendment to LB 1243:
AM3021

1. Strike the original sections and insert the following new section:

"Section 1. The Director of Insurance shall not approve for use in this state any policy of insurance covering motor vehicles which requires the insured to use a particular company or location for motor vehicle glass replacement, motor vehicle glass repair services, or motor vehicle glass repair products insured in whole or in part by the policy.".

LEGISLATIVE BILL 904. Indefinitely postponed.
LEGISLATIVE BILL 944. Indefinitely postponed.
LEGISLATIVE BILL 1009. Indefinitely postponed.
LEGISLATIVE BILL 1035. Indefinitely postponed.
LEGISLATIVE BILL 1085. Indefinitely postponed.
LEGISLATIVE BILL 1210. Indefinitely postponed.

(Signed) David Landis, Chairperson

EXPLANATION OF VOTE

Had I been present, I would have voted yes on LR 243.

(Signed) Arlene Nelson

GENERAL FILE

LEGISLATIVE BILL 1120. The Hall pending amendment, AM2988, to the Standing Committee amendment, was renewed.

Messrs. Cudaback and Abboud asked unanimous consent to be excused until they return. No objections. So ordered.

Ms. Schimek moved the previous question. The question is, "Shall the debate now close?" The motion lost with 6 ayes, 12 nays, and 31 not voting.

Mr. Lindsay asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Moore requested a record vote on the Hall amendment.

Voting in the affirmative, 1:

Pirsch

Voting in the negative, 36:

Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Chizek
Conway
Crosby
Cudaback
Dierks
Elmer
Haberman
Hall
Hartnett
Hefner
Horgan
Johnson, R.
Kristensen
Lamb
Landis
Moore
Morrissey
Nelson
Peterson
Rasmussen
Robinson
Rogers
Schellpeper
Schimek
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Present and not voting, 6:

Byars
Hillman
Johnson, L.
Lynch
Robak
Schmit

Excused and not voting, 6:

Abboud
Ashford
Chambers
Coordsen
Labedz
Lindsay

The Hall amendment lost with 1 aye, 36 nays, 6 present and not voting, and 6 excused and not voting.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 175, 877, 877A, 878, 879, 906, 971, 984, 985, 999, 1000, 1004, 1011, and 1115.

(Signed) Eric Will, Chairperson

Enrollment and Review Change to LB 971

The following changes, required to be reported for publication in the Journal, have been made:
ER7149

1. On page 1, line 6, "to eliminate a provision on appointments to the initial board;" has been inserted after the semicolon; and in line 7 ", and also section 2-3613, Reissue Revised Statutes of Nebraska, 1943" has been inserted after "section".

Enrollment and Review Change to LB 1004

The following changes, required to be reported for publication in the Journal, have been made:
ER7152

1. In the E & R Amendment, AM5246, on page 1, line 3, "77-2213" has been struck and "77-2113" inserted.

Enrollment and Review Change to LB 1011

The following changes, required to be reported for publication in the Journal, have been made:
ER7150

1. The E & R amendment, AM5244, has been struck.
2. On page 1, lines 1 and 6, "sections" has been struck and "section" inserted; in line 2 "and 54-602" has been struck; and the matter beginning with the second "to" in line 4 through the semicolon in line 5 has been struck.

Enrollment and Review Change to LB 1115

The following changes, required to be reported for publication in the Journal, have been made:
ER7151

1. In lieu of the Beutler amendment, FA268:

a. The following new section has been inserted:

"Section 1. That section 19-2905, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-2905. At least three copies of such annual audit report shall be properly signed and attested by the accountant; two copies shall be filed with the clerk of the municipality involved and one copy shall be filed with the Auditor of Public Accounts. The copy of the annual audit report submitted to the Auditor of Public Accounts shall be accompanied by a supplemental report, if appropriate, by the accountant making the audit identifying any illegal acts or indications of illegal acts discovered as a result of the audit. A copy of the unaudited statement of cash receipts and disbursements shall be filed with the Auditor of Public Accounts.

The annual audit report filed, together with any accompanying comment or explanation, and the unaudited statement of cash receipts and disbursements shall become a part of the public records of the clerk of the municipality involved and shall at all times thereafter be open and subject to public inspection. The copies filed with the auditor shall be kept as a part of the public records in that office for at least five years~~,~~ and shall at all times be subject to public inspection."; and

b. On page 2, line 20, "section" has been struck and "sections 19-2905 and" inserted; and in line 21 "is" has been struck and "are" inserted.

2. On page 1, line 2, "section" has been struck and "sections 19-2905 and" inserted; in line 3 "to require a supplemental report on illegal acts;" has been inserted after the semicolon; and in line 6 "section" has been struck and "sections" inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

STANDING COMMITTEE REPORTS
Business and Labor

LEGISLATIVE BILL 1010. Placed on General File.

LEGISLATIVE BILL 926. Indefinitely postponed.

(Signed) George Coordsen, Chairperson

ANNOUNCEMENTS

Mr. Lynch designates LB 835 as his priority bill.

Mr. Haberman designates LB 1172 as his priority bill.

The Revenue Committee designates LB 1026 and LB 1269 as its priority bills.

The Banking, Commerce and Insurance Committee designates LB 1113 as its priority bill.

Mr. R. Johnson designates LB 1114 as his priority bill.

The Judiciary Committee designates LB 1109 and LB 896 as its priority bills.

The Nebraska Retirement Systems Committee designates LB 934 as its priority bill.

Mr. Hall designates LB 962 as his priority bill.

Mr. Moore designates LB 1196 as his priority bill.

GENERAL FILE

LEGISLATIVE BILL 1120. Mr. Hall offered the following amendment to the Standing Committee amendment:
(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM3008.)

The Hall amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Messrs. Withem and Landis renewed their pending amendment, AM2950, found in the Journal on page 880, to the Standing Committee amendment.

Messrs. Schmit and Byars asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Hall moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Mr. Hall requested a roll call vote on the Withem-Landis amendment.

Voting in the affirmative, 21:

Bernard-Stevens
Beutler
Beyer
Bohlke
Chizek
Conway
Crosby
Hartnett
Hillman
Horgan
Kristensen
Lamb
Landis
Pirsch
Rasmussen
Robak
Schimek
Warner
Wesely
Will
Withem

Voting in the negative, 20:

Baack
Cudaback
Dierks
Elmer
Haberman
Hall
Hefner
Johnson, L.
Johnson, R.
Lynch
Moore
Morrissey
Nelson
Peterson
Robinson
Rogers
Schellpeper
Schrock
Wehrbein
Wickersham

Present and not voting, 1:

Chambers

Excused and not voting, 7:

Abboud
Ashford
Byars
Coordsen
Labedz
Lindsay
Schmit

The Withem-Landis amendment was adopted with 21 ayes, 20 nays, 1 present and not voting, and 7 excused and not voting.

Pending.

The Chair declared the call raised.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 243.

STANDING COMMITTEE REPORTS

Government, Military and Veterans Affairs

LEGISLATIVE BILL 885. Indefinitely postponed.

(Signed) Gerald Conway, Chairperson

Revenue

LEGISLATIVE BILL 1100. Placed on General File.
LEGISLATIVE BILL 1179. Placed on General File.

LEGISLATIVE BILL 1135. Placed on General File as amended.
Standing Committee amendment to LB 1135:
AM3000

1. Insert the following new section:

"Sec. 5. (1) There is hereby imposed a fee of four and one-half percent on the gross receipts of all rental transactions of vehicles which are used to carry fifteen passengers or less and which are used exclusively as rental vehicles under rental agreements with terms of not more than thirty consecutive days, irrespective of the state in which the vehicle is registered.

(2) On or before the 25th day of the month, the fees imposed by this section for the preceding calendar month shall be due and payable to the county treasurer of the county where the transactions occurred. The fees shall be remitted in the form prescribed by the county treasurer. The county shall apportion and distribute such proceeds in the same manner as the proceeds from motor vehicle fees are apportioned and distributed pursuant to subsection (2) of section 2 of this act. The revenue received by the county under this section may be expended for any lawful purpose.

(3) The revenue received by the county under this section shall be included and considered as proceeds of motor vehicle fees for purposes of any growth limitation on budgets of political subdivisions funded by ad valorem taxes.

(4) The fee imposed under this section shall be in addition to any other tax authorized by law to be levied on the business activities described in this section and shall be in addition to the sales tax imposed by the state or any municipality.

(5) The county treasurer, county board, and sheriff may use any method specified in Chapter 77, article 17, for the collection of property taxes to collect the fee imposed by this section. The Tax Commissioner shall make sales tax returns filed by entities subject to the fee imposed by this section available to county treasurers for purposes of this section.".

2. On page 4, line 23, strike "and".

3. On page 5, line 18, after "hearing" insert "; and

(f) Motor vehicles used as rental vehicles and subject to a fee pursuant to section 5 of this act".

4. On page 7, strike lines 23 through 25 and insert:

"(3) RECREATIONAL VEHICLES -- Cabin trailers, two thousand pounds and over

(a) First through third year	$85
(b) Fourth through sixth year	70
(c) Seventh through ninth year	55
(d) Tenth through twelfth year	40
(e) Thirteenth and fourteenth years	30
(f) Fifteenth year and after	15

(4) RECREATIONAL VEHICLES -- Self-propelled mobile homes, eight thousand pounds and less

(a) First through third year	$115
(b) Fourth through sixth year	85
(c) Seventh through ninth year	65
(d) Tenth through twelfth year	50
(e) Thirteenth and fourteenth years	40
(f) Fifteenth year and after	20

(5) RECREATIONAL VEHICLES -- Self-propelled mobile homes, over eight thousand pounds and less than twelve thousand pounds

(a) First through third year	$165
(b) Fourth through sixth year	125
(c) Seventh through ninth year	95
(d) Tenth through twelfth year	75
(e) Thirteenth and fourteenth years	60
(f) Fifteenth year and after	35

(6) RECREATIONAL VEHICLES -- Self-propelled mobile homes, twelve thousand pounds and over and less than sixteen thousand pounds

(a) First through third year $220
(b) Fourth through sixth year 170
(c) Seventh through ninth year 130
(d) Tenth through twelfth year 90
(e) Thirteenth and fourteenth years 70
(f) Fifteenth year and after 50

(7) RECREATIONAL VEHICLES -- Self-propelled mobile homes, sixteen thousand pounds and over

(a) First through third year $295
(b) Fourth through sixth year 230
(c) Seventh through ninth year 175
(d) Tenth through twelfth year 135
(e) Thirteenth and fourteenth years 90
(f) Fifteenth year and after 70".

5. On page 8, strike lines 1 through 5; in line 6 strike "(4)" and insert "(8)"; in line 14 strike "(5)" and insert "(9)"; and in line 22 strike "(6)" and insert "(10)".

6. On page 9, line 5, strike "(7)" and insert "(11)"; in line 13 strike "(8)" and insert "(12)"; and strike lines 21 through 25 and insert:

"(13) UTILITY TRAILERS -- Less than four thousand pounds

(a) First through third year $40
(b) Fourth through sixth year 30
(c) Seventh through ninth year 20
(d) Tenth through twelfth year 15
(e) Thirteenth and fourteenth years 10
(f) Fifteenth year and after 5

(14) UTILITY TRAILERS -- Four thousand pounds through nine thousand pounds

(a) First through third year $60
(b) Fourth through sixth year 45
(c) Seventh through ninth year 30
(d) Tenth through twelfth year 20
(e) Thirteenth and fourteenth years 15

(f) Fifteenth year and after 10
(15) SEMITRAILERS
(a) First through third year $185
(b) Fourth through sixth year 135
(c) Seventh through ninth year 100
(d) Tenth through twelfth year 65
(e) Thirteenth and fourteenth years 50
(f) Fifteenth year and after 40".

7. On page 10, strike lines 1 through 3; in line 4 strike "(10)" and insert "(16)"; in line 12 strike "(4) through (7)" and insert "(8) through (11)"; strike beginning with "and" in line 14 through "semitrailers" in line 15; and in line 15 after "trucks" insert ", truck-tractors, trailers, or semitrailers".

8. On page 22, lines 20 and 21, strike "section 2" and insert "sections 2 or 5".

9. Renumber the remaining sections accordingly.

(Signed) Tim Hall, Chairperson

ANNOUNCEMENTS

The Business and Labor Committee designates LB 876 and LB 1064 as its priority bills.

The Health and Human Services Committee designates LB 1282 as its priority bill.

The Natural Resources Committee designates LB 1122 and LB 1233 as its priority bills.

Mr. L. Johnson designates LB 1208 as his priority bill.

Mr. Will designates LB 371 as his priority bill.

Mr. Elmer designates LB 1278 as his priority bill.

Mr. Wehrbein designates LB 1258 as his priority bill.

UNANIMOUS CONSENT - Add Cointroducers

Mr. Moore asked unanimous consent to have his name added as cointroducer to LB 1120. No objections. So ordered.

Mr. Will asked unanimous consent to have his name added as cointroducer to LB 371. No objections. So ordered.

Mrs. Bohlke asked unanimous consent to have her name added as cointroducer to LB 431. No objections. So ordered.

VISITORS

Visitors to the Chamber were 12 seniors and teacher from Exeter; 25 students and professor from Wayne State College; 170 students and sponsors from the following schools: Stromsburg, York, Milford, Seward, Benedict, Bradshaw, Nebraska Lutheran, McCool Junction, and Cenntenial; 25 students and teachers from Waverly Middle School; Dennis Moore; and seven students and teacher from Rosedale Elementary, Nickerson.

ADJOURNMENT

At 11:59 a.m., on a motion by Speaker Baack, the Legislature adjourned until 9:00 a.m., Friday, February 21, 1992.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTIETH DAY - FEBRUARY 21, 1992

LEGISLATIVE JOURNAL

THIRTIETH DAY - FEBRUARY 21, 1992

LEGISLATIVE JOURNAL

NINETY-SECOND LEGISLATURE
SECOND SESSION

THIRTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 21, 1992

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Moul presiding.

PRAYER

The prayer was offered by Rev. Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Messrs. Byars, Coordsen, Mmes. Labedz, and Rasmussen who were excused; and Messrs. Abboud, Bernard-Stevens, Beutler, Chambers, Hall, Horgan, R. Johnson, Morrissey, Robinson, Schmit, Schrock, Warner, Mmes. Nelson, Pirsch, and Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-ninth day was approved.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 1061. Placed on Select File as amended.
(E & R amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM5265.)

(Signed) Eric Will, Chairperson

STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

LEGISLATIVE BILL 903. Placed on General File as amended.
Standing Committee amendment to LB 903:
AM2873

1. Strike the original sections and insert the following new sections:

"Section 1. This act shall be known and may be cited as the Fine Art Consignment Act.

Sec. 2. For purposes of the Fine Art Consignment Act:

(1) Art dealer shall mean a person engaged in the business of selling works of fine art, other than a person exclusively engaged in the business of selling goods at public auction;

(2) Artist shall mean the creator of a work of fine art or, if such person is deceased, the heir, legatee, or personal representative of the creator;

(3) Bona fide purchaser shall mean a person who in good faith makes a purchase without notice of any outstanding rights of others;

(4) Commission shall mean the fee, compensation, or percentage of the actual selling price of a work of fine art agreed upon by the artist and art dealer which the art dealer may retain after the sale of the work of the artist to a third party;

(5) Creditor shall include, but not be limited to, a general creditor, a secured creditor, a lien creditor, and any representative of creditors, including, but not limited to, an assignee for the benefit of creditors, a trustee in bankruptcy, a receiver in equity, and a personal representative or administrator of an estate of an insolvent debtor or assignor;

(6) On consignment shall mean that no title to, estate in, or right to possession of the work of fine art superior to that of the consignor shall vest in the consignee, notwithstanding the power or authority of the consignee to transfer and convey all of the right, title, and interest of the consignor in and to such work of fine art to a third party; and

(7) Work of fine art shall mean:

(a) A visual rendition including, but not limited to, a painting, drawing, sculpture, mosaic, videotape, or photograph;

(b) A work of calligraphy;

(c) A work of graphic art including, but not limited to, an etching, a lithograph, a serigraph, or an offset print;

(d) A craft work in materials including, but not limited to, clay, textile, fiber, wood, metal, plastic, or glass; and

(e) A work in mixed media including, but not limited to, a collage, an assemblage, or a work consisting of any combination of subdivisions (a) through (d) of this subdivision.

Sec. 3. Any custom, practice, or usage of the trade notwithstanding:

(1) Whenever an artist delivers or causes to be delivered a work of fine art created by such artist to an art dealer in this state for the purpose of sale on a commission, such work of fine art is deemed to be placed on consignment either at the time the art dealer inspects and accepts such work within ten days after delivery or upon possession of such work without express rejection ten days after delivery. A work of fine art is not deemed to be placed on consignment if delivery is pursuant to an outright sale for which the artist receives or has received full compensation for the work of fine art;

(2) Such art dealer shall thereafter, with respect to the work of fine art, be deemed the agent of the artist;

(3) Such work of fine art is trust property and the art dealer is trustee for the benefit of the artist until such work is sold to a bona fide purchaser or returned to the artist;

(4) The proceeds of the sale of a work of fine art are trust property and the art dealer is trustee for the benefit of the artist until the amount due the artist from the sale is paid in full. Except for customer deposits, such trust funds shall be paid to the artist within thirty days of receipt by the art dealer unless the parties expressly agree otherwise in writing;

(5) The art dealer is liable for his or her

own negligent and criminal acts and for negligent and criminal acts of his or her personnel which cause the loss of or damage to the work of fine art while it is in the possession of such art dealer and may not waive his or her duty of care. The value of the work of fine art shall be, for purposes of this subdivision, the value established in a written agreement between the artist and art dealer prior to the loss or damage or, if no written agreement regarding the value of the work of fine art exists, the fair market value of such work. Any reimbursement due the artist from the art dealer as a result of the loss of or damage to a work of fine art shall not exceed the amount which would have been due to the artist if the work had been sold at the purchase price stated in the agreement; and

(6) The art dealer shall not be held liable for loss or damage to the work of fine art if the artist fails to remove such work within a period of ten days following the date agreed upon for removal of the work in a written contract between the artist and art dealer or, if no written agreement regarding a removal date exists, ten days after notice to remove the work of fine art is sent by registered or certified mail to the last-known address of the artist.

Sec. 4. (1) If a work of fine art is trust property pursuant to section 3 of this act when initially received by the art dealer, it remains trust property notwithstanding the subsequent purchase of the work of fine art by the art dealer directly or indirectly for the art dealer's own account until any balance due to the artist from the sale is paid in full.

(2) If the art dealer resells a work of fine art to which subsection (1) of this section applies to a bona fide purchaser before the artist is paid in full, the work of fine art ceases to be trust property and the proceeds of the resale are trust funds in the hands of the art dealer for the benefit of the artist to the extent necessary to pay any balance due to the artist. The trusteeship of any of the proceeds continues until the fiduciary obligation of the art dealer with respect to the transaction is discharged in full.

Sec. 5. No property that is trust property or trust funds pursuant to section 3 or 4 of this act is subject to the claims, liens, or security interests of the creditors of the art dealer.

Sec. 6. An art dealer may accept a work of fine art for commission on consignment from an artist only if prior to or within seven days of acceptance the art dealer enters into a written contract with the artist which includes, but is not limited to, the following:

(1) The value of the work of fine art;

(2) The time within which the proceeds of the sale are to be paid to the artist if the work of fine art is sold;

(3) The commission the art dealer is to receive if the work of fine art is sold; and

(4) The minimum price for the sale of the work of fine art and any discounts ordinarily given by the art dealer in his or her regular course of business.

Sec. 7. Any portion of an agreement which waives any provision of the Fine Art Consignment Act is void.

Sec. 8. Any art dealer who violates section 6 of this act shall be liable to the artist for any actual damages the artist may sustain, including, but not limited to, incidental and consequential damages by reason of the violation, and reasonable attorney's fees.

Sec. 9. The Fine Art Consignment Act shall not apply to a written contract executed prior to the effective date of this act unless the parties agree by mutual written consent that such act shall apply or such contract is extended or renewed after such date.

Sec. 10. In cases of conflict between the Fine Art Consignment Act and the Uniform Commercial Code, the Fine Art Consignment Act shall control.".

(Signed) David Landis, Chairperson

MOTION - Approve Appointments

Mr. Kristensen moved the adoption of the report of the Transportation Committee for the following Governor appointments found in the Journal on page 917: Robert McLaughlin, Nathan L. Love, and Robert L. Spady - Nebraska Motor Vehicle Industry Licensing Board.

Voting in the affirmative, 25:

Baack
Beyer
Bohlke
Chizek
Conway
Crosby
Cudaback
Dierks
Elmer
Haberman
Hartnett
Hillman
Johnson, L.
Lamb
Lindsay
Lynch
Moore
Peterson
Rogers
Schimek
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 0.

Present and not voting, 5:

Ashford
Hefner
Kristensen
Landis
Schellpeper

Excused and not voting, 19:

Abboud
Bernard-Stevens
Beutler
Byars
Chambers
Coordsen
Hall
Horgan
Johnson, R.
Labedz
Morrissey
Nelson
Pirsch
Rasmussen
Robak
Robinson
Schmit
Schrock
Warner

These appointments were confirmed with 25 ayes, 0 nays, 5 present and not voting, and 19 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 1120. Mr. Withem asked unanimous consent to replace the Withem-Landis pending amendment, AM2968, found in the Journal on page 880, with a substitute amendment. No objections. So ordered.

Mr. Withem withdrew the Withem-Landis pending amendment, AM2968, found in the Journal on page 880.

Mr. Kristensen offered the following substitute amendment to the Standing Committee amendment:
AM3028

(Amendments to Standing Committee amendments, AM2905)

1. On page 41, line 5, after the semicolon insert "in lines 8 and 12 after 'tangible' insert 'personal';"; and in line 7, after "18" insert "and insert '. Depreciation shall not include any such deduction or reduction on motor vehicles, semitrailers,

or trailers required to be registered under sections 60-301 to 60-347' ".

Mr. Hefner moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Mr. Hefner requested a roll call vote on the Kristensen amendment.

Voting in the affirmative, 25:

Abboud
Ashford
Bernard-Stevens
Beutler
Beyer
Bohlke
Chizek
Conway
Crosby
Cudaback
Hartnett
Hillman
Horgan
Kristensen
Landis
Lindsay
Lynch
Nelson
Robak
Schimek
Warner
Wehrbein
Wesely
Will
Withem

Voting in the negative, 16:

Baack
Dierks
Elmer
Haberman
Hefner
Johnson, L.
Johnson, R.
Lamb
Moore
Morrissey
Peterson
Robinson
Rogers
Schellpeper
Schmit
Wickersham

Present and not voting, 1:

Chambers

Excused and not voting, 7:

Byars
Coordsen
Hall
Labedz
Pirsch
Rasmussen
Schrock

The Kristensen amendment was adopted with 25 ayes, 16 nays, 1 present and not voting, and 7 excused and not voting.

Pending.

The Chair declared the call raised.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 1042. Placed on General File as amended.
Standing Committee amendment to LB 1042:
AM3045

1. On page 2, strike beginning with the last "or" in line 11 through the last "or" in line 12.

LEGISLATIVE BILL 1208. Placed on General File as amended.
Standing Committee amendment to LB 1208:
AM3043

1. On page 8, strike lines 22 through 24 and insert "amount in accordance with the provisions of section 23-2308. In".

LEGISLATIVE BILL 1242. Placed on General File as amended.
Standing Committee amendment to LB 1242:
AM3044

1. On page 4, strike beginning with the comma in line 22 through "county" in line 24 and insert ". No person shall serve as a commissioner of a county housing authority unless he or she resides within the county, and not more than three members of a county housing authority shall be residents of a single incorporated community within the county".

(Signed) Gerald Conway, Chairperson

General Affairs

LEGISLATIVE BILL 915. Placed on General File as amended.
Standing Committee amendment to LB 915:
AM3034

1. On page 3, line 9, after the period insert:

"(5) For purposes of this section, physical barrier shall mean a durable structural partition which does not prevent visual observation but will prevent the passage of any container of alcoholic liquor between any passenger and the driver. A physical barrier which completely separates the passenger compartment from the driver shall be required on any motor vehicle designed to carry ten passengers or less. Any vehicle designed to carry more than ten passengers shall be required to provide a physical barrier immediately behind the driver which does not impede the entry or exit of passengers to or from such motor vehicle. The provisions of this section applicable to motor vehicles designed to carry more than ten passengers shall be available only to such motor vehicles while being used to provide charter transportation of passengers."

LEGISLATIVE BILL 1052. Placed on General File as amended.
Standing Committee amendment to LB 1052:
AM3036

1. Insert the following new sections:

"Section 1. That section 53-122, Revised Statutes Supplement, 1991, be amended to read as follows:

53-122. (1) The commission may issue licenses for the sale of alcoholic liquor, except beer, by the drink subject to all the terms and conditions of the Nebraska Liquor Control Act in all cities and villages in this state, except in those cases when it affirmatively appears that the issuance thereof will render null and void prior conveyances of land to such city or village for public uses and purposes by purchase, gift, or devise, under the conditions and in the manner provided in this section.

(2) If a sufficient petition is signed by the registered voters of any such city or village of such number as equals twenty percent of the votes cast at the last general election held in such city or village which requests that the question of licensing the sale of alcoholic liquor, except beer, by the drink be submitted to the registered voters of such city or village at a special election to be called for that purpose and such petition is presented to the clerk of such city or village, the clerk shall cause to be published one time in a legal newspaper published in or of general circulation in such city or village a notice of a special election to be held not less than ten days nor more than twenty days from the date of such publication. The notice shall state the proposition to be submitted at such special election.

(3) The question of licensing the sale of such alcoholic liquor either by the drink or in the original package, or both by the drink and in the original

package, may also be submitted at any general municipal election, except as otherwise provided in section 53-121, in any city or village in this state subject to the following conditions or procedure:

(a) Upon the filing with the clerk of such city or village of a petition signed by registered voters of such city or village of such number as equals twenty percent of the votes cast at the last general election held in such city or village, such proposition or propositions shall be submitted;

(b) Each sheet of each petition shall contain not more than thirty signatures of registered voters with the personal signatures and addresses of the signers and the date of such signatures, all in the handwriting of the signers, and each signature shall be the same as it appears upon the voter registration records;

(c) At the top of each sheet shall be stated the proposition or propositions to be submitted and the date of the general municipal election at which it is proposed to be submitted;

(d) No signature on such petition shall be valid unless appended to the petition within the last ninety days prior to the date of filing the petition with the clerk of the city or village;

(e) At the bottom of each sheet of such petition shall be the affidavit of the person who circulated the petition, stating that the signatures to the petition were made in his or her presence, that he or she has reasonable cause to believe that the signers are registered voters of the particular city or village, and that the signers are the persons they represent themselves to be; and

(f) Such petition shall be filed thirty days prior to the day of the general municipal election at which the proposition is to be submitted, and during such thirty-day period no signature shall be withdrawn and no signature shall be added.

(4) Any person who signs any proposal or petition contemplated under this section knowing that he or she is not a registered voter in the place where such proposal or petition is made, who aids or abets any other person in doing any of the acts mentioned, or who

bribes, gives, or pays any money or thing of value to any person directly or indirectly to induce him or her to sign such proposal or petition shall be guilty of a Class III misdemeanor.

(5) Upon the ballot either at the special election or at any general municipal election, the proposition or propositions shall be stated as follows:

Shall the sale of alcoholic liquor, except beer, by the drink be licensed in (here insert the name of the city or village)?

.... For license to sell by drink.
.... Against license to sell by drink.

Shall the sale of alcoholic liquor, except beer, by the package be licensed in (here insert the name of the city or village)?

.... For license to sell by the package.
.... Against license to sell by the package.

The provisions of the statutes of this state relating to election officers, voting places, election apparatus and blanks, preparation and form of ballots, information to voters, delivery of ballots, calling of elections, conduct of elections, manner of voting, counting of votes, records and certificates of elections, and recounts of votes, so far as applicable, shall apply to voting on the proposition or propositions under the act, and a majority vote of those voting on the question shall be mandatory upon the commission.

(6) If the question is to be submitted at a statewide primary or general election, the petitions shall be filed with the clerk of the city or village not less than sixty days prior to the election. The provisions for the required number of signers and the form of petition shall be the same as for a special election. The clerk of the city or village shall verify the signatures on the petitions with the voter registration records in the office of the county clerk or election commissioner. During the ten-day period while the petitions are being checked, no signatures shall be withdrawn and no signatures shall be added.

If the clerk of the city or village finds the petitions to be valid, he or she shall, not less than fifty days prior to the statewide primary or general election, give notice in writing to the county clerk or election commissioner that the question is to be submitted at the time of the statewide primary or general election. The election notices, issuing of the official ballots on election day, issuing of the official absentee ballots, and counting and canvassing of the same shall be conducted by the county clerk or election commissioner as provided in Chapter 32 and the official results certified to the clerk of the city or village.

(7) An election may not be held in the same city or village under this section more often than once every twenty-three months. The provisions of subdivision (5)(f) ~~(g)~~ or (9) of section 53-124 shall not be subject to this section.

Sec. 3. That section 53-124.14, Revised Statutes Supplement, 1991, be amended to read as follows:

53-124.14. (1) The commission may license the sale of alcoholic liquor at retail in the original package to applicants who reside in any county in which there is no incorporated city or village or in which the county seat is not located in an incorporated city or village if the licensed premises are situated in an unincorporated village having a population of twenty-five inhabitants or more.

(2) The commission may license the sale of beer at retail in any county outside the corporate limits of any city or village therein and license the sale of alcoholic liquor at retail for consumption on the premises and off the premises, sales in the original package only.

(3) The commission may license the sale of alcoholic liquor for consumption on the premises as provided in subdivision (5)(c) of section 53-124 on lands controlled by airport authorities when such land is located on and under county jurisdiction or by the State Board of Agriculture.

(4) This section shall not be construed to limit the commission in the issuance of licenses described in subdivision (5)(f) ~~(g)~~ or (9) of section 53-124.".

2. On page 4, line 22, reinstate the stricken matter and after the reinstated "inside" insert "or

outside"; and in line 23 strike the new matter.

3. On page 5, strike lines 10 through 17 and show as stricken; in line 18 strike "(f)", show as stricken, and insert "(e)".

4. On page 6, line 1, strike "(g)", show as stricken, and insert "(f)".

5. On page 7, line 7, strike "(h)", show as stricken, and insert "(g)"; in line 11 strike "(i)", show as stricken, and insert "(h)"; and in line 24 strike "(j)", show as stricken, and insert "(i)".

6. On page 9, line 21, strike "section 53-124" and insert "sections 53-122, 53-124, and 53-124.14"; and in line 22 strike "is" and insert "are".

7. Renumber the remaining sections accordingly.

(Signed) Stan Schellpeper, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 245. Introduced by R. Johnson, 34.

PURPOSE: The purpose of this resolution is to examine, in cooperation with the Game and Parks Commission, the Nebraska state park system and its recreational facilities and activities to determine any needs and inequities within the system.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Mr. Lynch asked unanimous consent to print the following amendment to LB 1008 in the Journal. No objections. So ordered.

AM3055

1. In the Standing Committee amendments, AM2609, on page 1, line 8, after the period insert "No funds collected pursuant to this subdivision shall be paid to any person or entity having a contract on the effective date of this act with the city for removal or disposal of garbage and refuse unless such person or entity has fulfilled all its obligations under such contract due to be performed on or before the scheduled date of such payment.".

Mr. Lynch asked unanimous consent to print the following amendment to LB 353 in the Journal. No objections. So ordered.

AM3054

1. Strike original sections 4 and 10.
2. On page 2, line 1, strike "24" and insert "22".
3. On page 14, line 19, strike "9" and insert "8".
4. On page 16, strike lines 16 through 18; and in line 19 strike "(4)" and insert "(3)".
5. On page 19, line 8, strike "7" and insert "6".
6. On page 22, line 14, strike "25, 26, and 29" and insert "23, 24, and 27".
7. Renumber the remaining sections accordingly.

Mr. Chizek asked unanimous consent to print the following amendment to LB 1176 in the Journal. No objections. So ordered.

AM3046

1. Strike original section 2 and insert the following new section:

"Sec. 2. Any public power district or public power and irrigation district owning and operating both electric power plants or systems and irrigation works and having annual gross revenue from such operations in excess of forty million dollars in each of the five consecutive years immediately preceding a request to acquire as provided in sections 1 to 5 of this act, shall possess and have the power and authority to appropriate and acquire, by purchase or the exercise of the power of eminent domain for the public use of the acquiring district, the property and assets of any other irrigation district or public power and irrigation district. The district to be acquired, upon request of the acquiring district pursuant to such sections, shall be required to sell all of its property and assets to such acquiring district in accordance with such sections.".

Mr. Elmer asked unanimous consent to print the following amendment to LB 1176 in the Journal. No objections. So ordered.

AM3009

1. On page 2, line 22, after "works" insert "and to avoid and eliminate the duplication of operations of public power districts and public power and irrigation districts and an agency established pursuant to the Municipal Cooperative Financing Act"; and in line 23 before "Any" insert "(1)".

2. On page 4, after line 2, insert the following new subsection:

"(2) Any public power district or public power and irrigation district owning and operating both electric power plants or systems and irrigation works and having annual gross revenue from such operations in excess of forty million dollars in each of the five consecutive years immediately preceding a request to acquire as provided in sections 1 to 5 of this act may appropriate and acquire, by purchase or the exercise of the powers of eminent domain, the property and assets of an agency created pursuant to the Municipal Cooperative Financing Act."; in lines 7 and 24 after "district" insert "or agency created pursuant to the Municipal Cooperative Financing Act"; in line 10 after "acquiring" insert "district" and strike "districts" and insert "district or agency"; and in line 21 after "district" insert "or agency".

3. On page 5, lines 3, 4, and 8, after "district" insert "or agency"; and in line 18 before "Upon" insert "(1)".

4. On page 6, line 5, after the period insert:

"(2) Upon retirement of all the debt of the agency created pursuant to the Municipal Cooperative Financing Act, all remaining assets of the agency shall be transferred to the acquiring district and the agency shall dissolve pursuant to section 18-2439. If the agency engaged in the operation of power projects or the generation of electricity, notice of such dissolution shall be given to the Nebraska Power Review Board. If the agency fails to dissolve, the acquiring district may take appropriate legal action to acquire any remaining assets.

(3)".

GENERAL FILE

LEGISLATIVE BILL 1120. Messrs. Withem and Landis renewed their pending amendment, AM2952, found in the Journal on page 880, to the Standing Committee amendment.

SPEAKER BAACK PRESIDING

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

Messrs. Withem and Landis withdrew their pending amendment, AM2952.

Messrs. Withem and Landis withdrew their pending amendment, AM2953, found in the Journal on page 880.

Mr. Withem withdrew his pending amendments, AM2967 and AM2965, found in the Journal on pages 882 and 883.

Mr. Withem renewed his pending amendment, AM2966, found in the Journal on page 883, to the Standing Committee amendment.

Mr. Withem withdrew his pending amendment, AM2966.

Mr. Withem withdrew his pending amendment, AM3001, printed separately from the Journal and referred to on page 903.

PRESIDENT MOUL PRESIDING

Mrs. Hillman renewed her pending amendment, AM2995, found in the Journal on page 906, to the Standing Committee amendment.

The Hillman amendment was adopted with 21 ayes, 8 nays, 14 present and not voting, and 6 excused and not voting.

Mr. Haberman renewed his pending amendment, AM2972, found in the Journal on page 899, to the Standing Committee amendment.

Mr. Haberman moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. Withem requested a roll call vote on the Haberman amendment.

Voting in the affirmative, 18:

Ashford
Beutler
Chambers
Elmer
Haberman
Hall
Hefner
Johnson, L.
Landis
Moore
Morrissey
Nelson
Peterson
Robinson
Rogers
Schellpeper
Schmit
Wesely

Voting in the negative, 23:

Abboud
Baack
Bernard-Stevens
Beyer
Bohlke
Chizek
Conway
Crosby
Cudaback
Hartnett
Hillman
Horgan
Johnson, R.
Kristensen
Lindsay
Lynch
Pirsch
Robak
Warner
Wehrbein
Wickersham
Will
Withem

Present and not voting, 2:

Schimek
Schrock

Absent and not voting, 1:

Lamb

Excused and not voting, 5:

Byars
Coordsen
Dierks
Labedz
Rasmussen

The Haberman amendment lost with 18 ayes, 23 nays, 2 present and not voting, 1 absent and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mr. R. Johnson offered the following amendment to the Standing Committee amendment:
AM3071

(Amendments to Standing Committee amendments, AM2905)

1. Insert the following new section:

"Sec. 44. That section 77-2701.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2701.02. Pursuant to section 77-2715.01, commencing ~~July 1, 1990, or on July 10, 1990, whichever is later,~~ on the operative date of this section the rate of the sales tax levied pursuant to section 77-2703 shall be ~~five~~ six percent.".

2. Renumber the remaining sections and correct internal references accordingly.

3. Correct the operative date section and repealer so that section 77-2701.02 becomes operative on July 1, 1992.

Messrs. Haberman and Rogers asked unanimous consent to be excused. No objections. So ordered.

Pending.

STANDING COMMITTEE REPORTS
Transportation

LEGISLATIVE BILL 1092. Placed on General File as amended.
(Standing Committee amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM2990.)

LEGISLATIVE BILL 1181. Placed on General File as amended.
Standing Committee amendment to LB 1181:
AM3040

1. On page 4, line 2, strike "appointments" and insert "needs".

(Signed) Doug Kristensen, Chairperson

Health and Human Services

LEGISLATIVE BILL 1282. Placed on General File.

The Committee on Health and Human Services desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Department of Health Director
  Dr. Mark Horton
Rural Health Advisory Commission
  Marcia M. Freer
  Dr. Michael Haller
  Faye Schellpeper
  Dr. Michael A. Sitorius
  Roger D. Wells
Child Abuse Prevention Board
  Gay Angel McTate
  Nancy Nielsen

VOTE: Aye: Senators Beyer, Cudaback, Dierks, Schellpeper, and Wesely. Nay: None. Absent: Senators Byars and Rasmussen.

(Signed) Don Wesely, Chairperson

ANNOUNCEMENT

Speaker Baack announced his priority bills and resolutions as follows: LBs 978, 1072, 1176, 288, 1134, 1081, 1041, 991, 631, 977, 802, 1071, 1231, 1234, 1050, 1084, 951, 238, LR 206CA, and LR 208CA.

MOTION - Place LB 1063 on General File

Mr. Baack moved to place LB 1063 on General File pursuant to Rule 3, Section 19(b).

Laid over.

MESSAGE FROM THE GOVERNOR

February 21, 1992

Patrick J. O'Donnell
Clerk of the Legislature

State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 948e was received in my office on February 19, 1992.

This bill was signed by me on February 21, 1992, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of February 20, 1992. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Bahrke, William F. - Omaha (Withdrawn 02/01/92)	Brotherhood of Maintenance of Way Employees
Bones, Amy - Omaha (Withdrawn 1/29/92)	Uta Halee Girls Village
Bredthauer, Trudy Saunders - Omaha	Cable USA, Inc. (Withdrawn 02/18/92)
	Jeanerett, Ruth (Withdrawn 12/31/91)
Cutshall, Bruce A. - Lincoln	Nebraska New Car & Truck Dealers Association
Defoe, Donald H. - Springfield, IL (Withdrawn 06/30/91)	Caterpillar
Erickson & Sederstrom	
Thone, Charles - Lincoln	Nebraska Telemarketing Coalition
Graves Jr., Eugene J. - Omaha	Metropolitan Omaha Builders Association
Harding, Mary A. - Firth	Nebraska State Grange
Jackson, David G. - Omaha	Services for Children
Johnson, Vard R. - Omaha	Commercial and Multi-Family Builders Council/Metropolitan Omaha Builders Association
Kelley, Michael - Omaha	Douglas County, Nebraska

	World Wide Association of Equine Denistry
Kendrick, Leslie E. - Omaha	Uta Halee Girls Village (Withdrawn 01/29/92)
Kozlik, Michael A. - Omaha (Withdrawn 02/14/92)	Omaha Area Board of Realtors
Mueller, William J./Knudsen, Berkheimer, et al	
Mueller, William J. - Lincoln	Nebraska Museums Association
Kroger, Burma - Lincoln (Withdrawn 02/13/92)	Nebraska Association of School Boards
Long, Donald P. - Holdrege (Withdrawn 01/31/92)	Central Nebraska Public Power & Irrigation District
Moors, H. Jack - Lincoln	Nebraska Alfalfa Dehydrators Association
Odvody, Marilyn - Morse Bluff (Withdrawn 06/25/91)	Saunders County Livestock Association
Parker, David R. - Lincoln (Withdrawn 02/13/92)	Maywood Cooperative Association
Perkins, Gary A. - Omaha	Services for Children
Ruth, Larry L./Knudsen, Berkheimer, et al	
Ruth, Larry L. - Lincoln	Nebraska Museums Association
Scarpello, Sam M. - Omaha	SEPTEMBERFEST, Inc.
Wegman, Peter C. - Lincoln (Withdrawn 02/13/92)	Maywood Cooperative Association

UNANIMOUS CONSENT - Add Cointroducers

Mr. Abboud asked unanimous consent to have his name added as cointroducer to LB 728. No objections. So ordered.

Mr. Wehrbein asked unanimous consent to have his name added as cointroducer to LB 1258. No objections. So ordered.

VISITORS

Visitors to the Chamber were 18 leadership members and sponsor from Columbus; Sheila Stubbs and Ryan Minert from Franklin; 15 first through sixth grade students and teacher from District 70 School, Wahoo; and 16 eighth grade students and teacher from Humphrey St. Francis.

MOTION - Adjournment

Mr. Schmit moved to adjourn until 9:00 a.m., Monday, February 24, 1992.

Mr. Withem moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. Withem requested a roll call vote on the Schmit motion to adjourn.

Voting in the affirmative, 21:

Beyer
Bohlke
Chambers
Crosby
Cudaback
Elmer
Hefner
Johnson, L.
Johnson, R.
Lamb
Moore
Nelson
Peterson
Pirsch
Robak
Robinson
Schellpeper
Schmit
Schrock
Wehrbein
Wickersham

Voting in the negative, 20:

Abboud
Ashford
Baack
Bernard-Stevens
Beutler
Chizek
Conway
Hartnett
Hillman
Horgan
Kristensen
Landis
Lindsay
Lynch
Morrissey
Schimek
Warner
Wesely
Will
Withem

Present and not voting, 1:

Hall

Excused and not voting, 7:

Byars
Coordsen
Dierks
Haberman
Labedz
Rasmussen
Rogers

The Schmit motion to adjourn prevailed with 21 ayes, 20 nays, 1 present and not voting, and 7 excused and not voting, and at 12:10 p.m., the Legislature adjourned until 9:00 a.m., Monday, February 24, 1992.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-FIRST DAY - FEBRUARY 24, 1992

LEGISLATIVE JOURNAL

THIRTY-FIRST DAY - FEBRUARY 24, 1992

LEGISLATIVE JOURNAL

NINETY-SECOND LEGISLATURE
SECOND SESSION

THIRTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 24, 1992

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Moul presiding.

PRAYER

The prayer was offered by Rev. Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Mr. Conway who was excused; and Messrs. Abboud, Ashford, Bernard-Stevens, Beutler, Beyer, Chambers, Hall, Horgan, Kristensen, Landis, Lynch, Schmit, Warner, Mmes. Hillman, Pirsch, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirtieth day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on on Governor appointments.

Agriculture

Dale L. Eirich - Nebraska Dry Bean Commission

General Affairs

William M. Whitmer - State Electrical Board

(Signed) Jerome Warner, Chairperson
Legislative Council
Executive Board

ATTORNEY GENERAL'S OPINION

Opinion No. 92028

DATE: February 21, 1992

SUBJECT: Formula for Determining Payments by Racetracks to the Track Distribution No. Fund

REQUESTED BY: Senator Howard Lamb
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
Steve Grasz, Deputy Attorney General

In light of the Nebraska Supreme Court's recent decision in Nebraska State Board of Agriculture v. Nebraska State Racing Commission, 239 Neb. 762, ___ N.W.2d ___ (1992) {"NSBA"}, you have asked us to again address the question of whether handle generated from wagering at racetracks conducting licensed horserace meetings via simulcasting should be included as part of the "total parimutuel handle" of a racetrack for purposes of determining the rate of the racetrack's contribution to the Track Distribution Fund {"Fund"} under Neb.Rev.Stat. §2-1208.04(1) (Reissue 1987), or whether only handle generated by a racetrack at live race meetings should be included in determining the percentage contribution of a racetrack to the Fund. By letter dated June 4, 1991, we advised the Nebraska State Racing Commission {"Commission"} that, in our opinion, the reference in §2-1208.04(1) to "any racetrack that had for its previous race meet a total parimutuel handle" should be interpreted to include only handle generated on-track at the previous live race meeting conducted by the racetrack. In our letter to the Commission, we noted and discussed the pending appeal before the Nebraska Supreme Court in NSBA.

Subsequent to the issuance of our informal opinion to the Commission, you requested our opinion on this issue by letter dated August 1, 1991. We answered your letter by correspondence dated September 24, 1991. At that time, we advised you that we had closely examined the question a second time, and "acknowledge{d} that arguments {could} be presented on both sides of this issue. . . ." Noting the pending appeal in NSBA, we declined to retract our earlier informal opinion, and indicated your request brought "to light the need for legislative clarification of this issue in the next unicameral session." As the court has now rendered its opinion in NSBA, you have again requested that we revisit this issue. We assume your request is based on your desire to introduce amendatory legislation in the event we decline to alter our previous opinion.

The issue in NSBA was whether the reference in Neb.Rev.Stat. §2-1208.03(5) (Reissue 1987) to the "total annual parimutuel handle" of a racetrack, "based on the previous racing year," should be construed to include both simulcast and live race meet handle at a racetrack for the purpose of determining whether a racetrack qualified as a "recipient track" eligible for distribution from the Fund. The Racing Commission contended that wagers on simulcast races are part of the total annual parimutuel handle of the track where the wagers are accepted. NSBA, 239 Neb. at 764. The Nebraska Supreme Court agreed, stating "Under §2-1208.03(5), all wagers placed at the track are aggregately considered for the purpose of the statute, whether such wagers are placed on races occurring at the site where the wagers are placed or are placed on races simulcast to the site where wagers are placed." Id. at 769.

The court's analysis of the statute included an interpretation of the word "annual" as included in the phrase "total annual parimutuel handle." It could be argued that the language of §2-1208.03(5), referring to the total "annual" parimutuel handle of a racetrack, based on the "previous racing year," is broader in scope than the language employed in 2-1208.04(1), which refers only to the "total parimutuel handle" that a racetrack had for "its previous race meet." Under this view, the court's conclusion that both simulcast and live race handle at a racetrack are to be aggregated for purposes of determining a racetrack's eligibility as a recipient track under §2-1208.03(5) was arguably based on the significance of the use of the references to total annual handle based on the previous racing year, which the court concluded evinced a legislative intent to include all handle at a racetrack generated during a calendar year.

In our opinion, however, a court, if faced squarely with the present question, would not distinguish the two statutes on this basis. To do so would, in effect, allow the contributing tracks to "have it both ways" at the expense of the recipient tracks. As the court pointed out in NSBA, the Track Distribution Fund was established "for the purpose of subsidizing smaller Nebraska racetracks at the expense of the state's larger and more successful tracks." Id. at 764. Although the question is a close one, and clarifying legislation would still be desirable, it is our opinion a court would likely hold that total parimutuel handle includes all wagers placed at a track whether such wagers are placed on races occurring at the site or are placed on races simulcast to the site. This conclusion is supported, albeit in dicta, by the court's discussion in NSBA. The court stated, "This case involves interaction of two legislative programs . . . The first of these programs is the Track Distribution Fund, by which revenue, based on a racetrack's total annual parimutuel handle, is distributed from larger racetracks to smaller racetracks. See §§2-1208.03 and 2-1208.04." Id. at 763-764. In describing the Track Distribution Fund, the court treats both statutes as one "legislative program." The court makes no distinction between the two statutes even though §2-1208.03 defines "recipient track" as "a racetrack with a total annual parimutuel handle, . . ." and §2-1208.04 describes a contributing track as "any racetrack that had for its previous race meet a total parimutuel handle. . . ." (emphasis added).

Consequently, in light of the Nebraska Supreme Court's decision in NSBA, we believe section 2-1208.04 requires racetracks to make contributions to the Track Distribution Fund based on "total parimutuel handle" including wagers on simulcast races accepted at the track.

Respectfully submitted,
DON STENBERG
Attorney General
(Signed) Steve Grasz
Deputy Attorney General

3-563-3

PROPOSED RULE CHANGE

Mr. Withem asked unanimous consent to print the following amendment to the rules in the Journal. No objections. So ordered.

Amend Rule 7, Section 3(a), as follows:
Sec. 3. Motion, in Writing, Withdrawal. (a) A motion shall be either stated by the presiding officer or read by the Clerk before a vote is taken. ~~All motions shall be submitted in writing if requested by the presiding officer or any senator.~~ All motions and amendments shall be submitted in writing.

The amendment must reference the legislative bill or the amendment to be amended, and should specify the section, page, and line number where applicable. Any amendment offered not drafted in compliance with the criteria outlined above shall be ruled out of order.

Once motions are stated they may be withdrawn or modified by the mover before a decision, amendment, or ordering of a vote has been made. A motion to reconsider may be withdrawn only with unanimous consent or a majority vote of the elected members.

When a question is under debate, no motion shall be considered except one of the following, which motions shall take precedence in the order stated.

a. To adjourn
b. For the previous question
c. To postpone to a time certain
d. To recommit to a committee
e. To amend
f. To postpone indefinitely

Such motions shall have precedence in the order in which they are arranged, except that motions to postpone indefinitely and amend to not yield to each other.

When any of the following motions shall be made, any action on such motion shall be delayed at least one legislative day and the motion shall be printed in the Legislative Journal:

a. Motion to postpone indefinitely on General File or Select File, unless the introducer(s) of the bill, or the committee chairperson in the case of committee bills, request(s) that the motion to postpone indefinitely be considered immediately without the one day delay.
b. Motion to place on General File pursuant to Rule 3, Section 19(b).
c. Motion to place bills on General File, notwithstanding the action of a standing committee.

Referred to the Rules Committee.

Mr. Withem asked unanimous consent to print the following amendment to the rules in the Journal. No objections. So ordered.

Amend Rule 7, Section 3(a), as follows:
Sec. 3. Motion, in Writing, Withdrawal. (a) A motion shall be either stated by the presiding officer or read by the Clerk before a vote is taken. ~~All motions shall be submitted in writing if requested by the presiding officer or any senator.~~ All motions and amendments shall be submitted in writing. Amendments may be categorized into the following types according to form:

1. To add
2. To insert
3. To strike out
4. To strike out and insert

The amendment should reference the legislative bill or amendment to be amended, and should specify the section, page, and line number where applicable.

Once motions are stated they may be withdrawn or modified by the mover before a decision, amendment, or ordering of a vote has been made. A motion to reconsider may be withdrawn only with unanimous consent or a majority vote of the elected members.

When a question is under debate, no motion shall be considered except one of the following, which motions shall take precedence in the order stated.

a. To adjourn
b. For the previous question
c. To postpone to a time certain
d. To recommit to a committee
e. To amend
f. To postpone indefinitely

Such motions shall have precedence in the order in which they are arranged, except that motions to postpone indefinitely and amend to not yield to each other.

When any of the following motions shall be made, any action on such motion shall be delayed at least one legislative day and the motion shall be printed in the Legislative Journal:

a. Motion to postpone indefinitely on General File or Select File, unless the introducer(s) of the bill, or the committee chairperson in the case of committee bills, request(s) that the motion to postpone indefinitely be considered immediately without the one day delay.
b. Motion to place on General File pursuant to Rule 3, Section 19(b).
c. Motion to place bills on General File, notwithstanding the action of a standing committee.

Referred to the Rules Committee.

MOTION - Approve Appointments

Mr. Wesely moved the adoption of the report of the Health and Human Services Committee for the following Governor appointments found in the Journal on page 948: Dr. Mark Horton - Department of Health Director; Marcia M. Freer, Dr. Michael Haller, Faye Schellpeper, Dr. Michael A. Sitorius, and Roger D. Wells - Rural Health Advisory Commission; and Gay Angel McTate and Nancy Nielsen - Child Abuse Prevention Board.

Voting in the affirmative, 25:

Baack
Bohlke
Byars
Chizek
Crosby
Cudaback
Dierks
Elmer
Haberman
Hartnett
Hefner
Johnson, L.
Johnson, R.
Lamb
Lindsay

Nelson
Rasmussen
Robinson
Rogers
Schellpeper
Schrock
Wehrbein
Wesely
Will
Withem

Voting in the negative, 0.

Present and not voting, 7:

Coordsen
Labedz
Moore
Morrissey
Peterson
Robak
Wickersham

Excused and not voting, 17:

Abboud
Ashford
Bernard-Stevens
Beutler
Beyer
Chambers
Conway
Hall
Hillman
Horgan
Kristensen
Landis
Lynch
Pirsch
Schimek
Schmit
Warner

These appointments were confirmed with 25 ayes, 0 nays, 7 present and not voting, and 17 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 233. Read. Considered.

Mr. Wehrbein asked unanimous consent to have his name added as cointroducer to LR 233. No objections. So ordered.

LR 233 was adopted with 26 ayes, 0 nays, and 23 not voting.

LEGISLATIVE RESOLUTION 234. Read. Considered.

LR 234 was adopted with 25 ayes, 0 nays, and 24 not voting.

LEGISLATIVE RESOLUTION 235. Read. Considered.

LR 235 was adopted with 25 ayes, 0 nays, and 24 not voting.

LEGISLATIVE RESOLUTION 236. Read. Considered.

LR 236 was adopted with 25 ayes, 0 nays, and 24 not voting.

GENERAL FILE

LEGISLATIVE BILL 1120. The R. Johnson pending amendment, AM3071, found in the Journal on page 947, to the Standing Committee amendment, was renewed.

SPEAKER BAACK PRESIDING

Mr. Landis asked unanimous consent to be excused. No objections. So ordered.

PRESIDENT MOUL PRESIDING

Pending.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 233, LR 234, LR 235, and LR 236.

GENERAL FILE

LEGISLATIVE BILL 1120. The R. Johnson pending amendment, AM3071, was considered.

Mr. Elmer moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. R. Johnson moved for a call of the house. The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

Mr. R. Johnson requested a roll call vote on his amendment.

Voting in the affirmative, 23:

Baack
Bernard-Stevens
Beyer
Byars
Coordsen
Cudaback
Dierks
Elmer
Haberman
Hall
Hefner
Johnson, L.
Johnson, R.
Lamb
Moore
Morrissey
Peterson
Robinson
Rogers
Schellpeper
Schmit
Schrock
Wehrbein

Voting in the negative, 22:

Abboud
Ashford
Beutler
Bohlke
Chizek

Crosby
Hartnett
Hillman
Horgan
Kristensen
Labedz
Lindsay
Lynch
Nelson
Rasmussen
Robak
Schimek
Warner
Wesely
Wickersham
Will
Withem

Excused and not voting, 4:

Chambers
Conway
Landis
Pirsch

The R. Johnson amendment was adopted with 23 ayes, 22 nays, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Moore offered the following amendment to the Standing Committee amendment:
AM3093

(Amendments to Standing Committee amendments, AM2905)

1. Insert the following new sections:

"Sec. 44. That section 77-2701.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2701.01. Pursuant to section 77-2715.01, for all taxable years beginning or deemed to begin on or after January 1, 1990, under the Internal Revenue Code of 1986, as amended, the rate of the income tax levied pursuant to section 77-2715 shall be three and forty-three-hundredths percent.

Pursuant to section 77-2715.01, for all taxable years beginning or deemed to begin on or after January 1, 1991, under the Internal Revenue Code of 1986, as amended, the rate of the income tax levied pursuant to section 77-2715 shall be three and seventy-hundredths percent.

Pursuant to section 77-2715.01, for all taxable years beginning or deemed to begin on or after January 1, 1992, under the Internal Revenue Code of 1986, as amended, the rate of the income tax levied pursuant to section 77-2715 shall be three and eighty-hundredths percent.

Sec. 45. That section 77-2701.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2701.02. Pursuant to section 77-2715.01, commencing ~~July 1, 1990, or on July 10, 1990, whichever is later,~~ on the operative date of this section the rate of the sales tax levied pursuant to section 77-2703 shall be five and one-half percent.

Sec. 46. That section 77-2715.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2715.02. (1) Whenever the primary rate is changed by the Legislature under section 77-2715.01, the Tax Commissioner shall update the rate schedules required in subsection (2) of this section to reflect the new primary rate and shall publish such updated schedules.

(2) The following rate schedules are hereby established for the Nebraska individual income tax and shall be in the following form:

(a) The income amounts for columns A, B, and E shall be the same as for the federal rate schedules in effect for tax year 1987;

(b) The amount in column C shall be the total amount of the tax imposed on income less than the amount in column A;

(c) The amount in column D shall be the rate on the income in excess of the amount in column E;

(d) The primary rate set by Legislature shall be multiplied by the following factors to compute the tax rates for column D. The factors for the brackets, from lowest to highest bracket, shall be .64, .98, 1.52, 1.87, and ~~1.87~~ 2.1;

(e) The amounts for column C shall be rounded to the nearest dollar, and the amounts in column D shall be rounded to hundredths of one percent; and

(f) One rate schedule shall be established for each federal filing status.

(3) The tax rate schedules shall use the format set forth in this subsection.

A	B	C	D	E
Taxable income over	but not over	pay	plus	of the amount over

(4) The tax rate applied to other federal taxes included in the computation of the Nebraska individual income tax shall be seven times the primary

rate.

(5) The Tax Commissioner shall prepare, from the rate schedules, tax tables which can be used by a majority of the taxpayers to determine their Nebraska tax liability. The design of the tax tables shall be determined by the Tax Commissioner. The size of the tax table brackets may change as the level of income changes. The difference in tax between two tax table brackets shall not exceed fifteen dollars. The Tax Commissioner may build the personal exemptions and standard deduction amounts into the tax tables.

(6) The Tax Commissioner may require by rule and regulation that all taxpayers shall use the tax tables if their income is less than the maximum income included in the tax tables.".

2. Renumber the remaining sections and correct internal references accordingly.

3. Correct the operative date section and repealer so that section 77-2701.02 becomes operative on July 1, 1992, and sections 77-2701.01 and 77-2715.02 become operative for tax years beginning on or after January 1, 1992.

Mrs. Robak moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The Moore amendment was adopted with 24 ayes, 0 nays, 23 present and not voting, and 2 excused and not voting.

Mr. Lynch reoffered the amendment, AM3001, printed separately from the Journal and referred to on page 903 and withdrawn on page 945, to the Standing Committee amendment.

Pending.

STANDING COMMITTEE REPORTS
Transportation

LEGISLATIVE BILL 958. Placed on General File as amended.
Standing Committee amendment to LB 958:
AM2930

1. Insert the following new sections:

"Sec. 4. That section 39-6,103.05, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-6,103.05. Enforcement of section ~~39-6,103.04~~ 39-6,103.07 by state or local law enforcement agencies shall be accomplished only as a secondary action when a driver of a motor vehicle has been detained for a suspected violation or some other offense.

Sec. 12. This act shall become operative on January 1, 1993.".

2. On page 34, line 9, after the period insert "Regardless of the number of persons in such vehicle violating subdivision (1)(a) of section 39-6,103.07, only one violation shall be assessed against the driver of such motor vehicle for each time the motor vehicle is stopped and a violation of such subdivision is found."; and in line 16 after "(a)" insert "the driver and"; and in line 17 before "occupant" insert "front-seat" and strike "is" and insert "are".

3. On page 40, line 6, after the comma insert "39-6,103.05,"; and strike beginning with "and" in line 10 through line 11.

4. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 1231. Placed on General File as amended.
Standing Committee amendment to LB 1231:
AM3039

1. On page 9, line 16, after the period insert "Carrier enforcement officers shall not be authorized to carry sidearms on their person, but shall have shotguns available to them in their weigh station offices and motor vehicles used for portable scale purposes.".

(Signed) Doug Kristensen, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1006. Placed on Select File as amended.

E & R amendment to LB 1006:
AM5266

1. In the Standing Committee amendment, AM2565, on page 3, line 17, strike the first comma.

2. On page 1, line 9, strike "section" and insert "sections 44-416.04,"; and in line 10 after the first comma insert "and 44-4830,".

3. On page 2, line 10, after the semicolon insert "to change setoff provisions under the Nebraska Insurers Supervision, Rehabilitation, and Liquidation Act;"; in line 16 strike "and"; and in line 18 after "1990" insert "; and to declare an emergency".

4. On page 11, line 9, strike "capital," and after the second comma insert "capital,".

5. On page 13, line 12, reinstate the stricken comma.

6. On page 16, line 22, strike "such sections", show as stricken, and insert "the Surplus Lines Insurance Act".

7. On page 18, line 25, after "(4)" insert "Director shall mean the Director of Insurance; (5)".

8. On page 19, line 2, strike "entity" and insert "entities"; in line 5 strike "(5)" and insert "(6)"; in line 9 strike "(6)" and insert "(7)"; in line 14 after the last period insert an underscored comma; in line 20 after the first semicolon insert "and"; strike lines 21 through 24 and show the old matter as stricken; and in line 25 strike "(9)" and insert "(8)".

9. On page 20, line 12, strike "effective" and insert "operative"; and in line 13 strike "act" and insert "section".

10. On page 25, lines 8 and 11, reinstate the stricken comma.

11. On page 26, line 9, strike "arrangements", show as stricken, and insert "arrangement".

12. On page 32, line 14, strike "organization", show as stricken, and insert "organizations".

13. On page 40, line 16, strike "determines" and insert "contains".

14. On page 42, line 11, after "adopt" insert

"and promulgate".

15. On page 45, line 11, strike "whose" and insert "the"; and in line 12 after "credit" insert "of which".

16. On page 46, line 14, strike the comma; and in line 15 strike "whose compensation" and insert "the compensation of which".

17. On page 48, lines 6 and 20, strike "act" and insert "Reinsurance Intermediary Act"; and in line 21 strike "will" and insert "shall".

18. On page 49, line 22, strike the comma; and in line 24 strike "one" and insert "person".

19. On page 51, line 4; and page 54, line 15, strike the comma.

20. On page 52, line 10; and page 56, line 2, strike "The type" and insert "Type".

21. On page 55, line 9, after "intermediary-manager" insert an underscored comma.

22. On page 58, line 20, after "reinsurer" insert an underscored comma.

23. On page 59, line 9, strike "that"; in line 21 strike "shall" and insert "will"; in line 24 strike "and shall" and insert ", will"; and in line 25 strike "and shall" and insert ", and will".

24. On page 60, line 7, after "authority" insert an underscored comma; and in line 9 strike "whose behalf" and insert "behalf of which".

25. On page 64, line 2, strike "and the" and insert ". The ".

26. On page 65, lines 6 and 10, strike "whose" and insert "the"; in lines 7 and 10 after "purpose" insert "of which"; and in line 19 strike "who" and insert "which".

27. On page 72, line 21, strike "percentage" and insert "percentages".

28. On page 74, line 20, after "promulgate" insert "rules and".

LEGISLATIVE BILL 1006A. Placed on Select File.

(Signed) Eric Will, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 735A. Introduced by Hall, 7.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 735, Ninety-second Legislature, Second Session, 1992.

LEGISLATIVE BILL 734A. Introduced by Hall, 7.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 734, Ninety-second Legislature, Second Session, 1992.

LEGISLATIVE BILL 936A. Introduced by Will, 8.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 936, Ninety-second Legislature, Second Session, 1992.

LEGISLATIVE BILL 353A. Introduced by Beyer, 3.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 353, Ninety-second Legislature, Second Session, 1992; to reduce an appropriation; and to declare an emergency.

LEGISLATIVE BILL 291A. Introduced by Beyer, 3.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 291, Ninety-second Legislature, Second Session, 1992.

LEGISLATIVE BILL 897A. Introduced by Warner, 25.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 897, Ninety-second Legislature, Second Session, 1992; and to declare an emergency.

LEGISLATIVE BILL 360A. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 360, Ninety-second Legislature, Second Session, 1992.

MOTION - Introduce New Bills

Mr. Coordsen moved to introduce request numbers 1934 and 1935 pursuant to Rule 5, Section 4 (c) 2.

Laid over.

VISITORS

Visitors to the Chamber were nine seventh, eighth, and ninth grade students and teacher from Goodrich Jr. High, Lincoln; seven tenth, eleventh, and twelfth grade students and teacher from Platteview High School, Springfield; and Marvin Smith and Larry Ernst from Deshler.

The Doctor of the Day was Paul Paulman from Omaha.

MOTION - Adjournment

Mr. Hefner moved to adjourn. The motion prevailed with 25 ayes, 7 nays, 16 present and not voting, and 1 excused and not voting, and at 11:56 a.m., the Legislature adjourned until 9:00 a.m., Tuesday, February 25, 1992.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-SECOND DAY - FEBRUARY 25, 1992

LEGISLATIVE JOURNAL

THIRTY-SECOND DAY - FEBRUARY 25, 1992

LEGISLATIVE JOURNAL

NINETY-SECOND LEGISLATURE
SECOND SESSION

THIRTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 25, 1992

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Baack presiding.

PRAYER

The prayer was offered by Pastor Michael Gillispie, Presbyterian Church of the Master, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Chambers, Hartnett, Horgan, Kristensen, Lindsay, Moore, Morrissey, Robinson, Rogers, Schmit, Warner, Mmes. Labedz, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 967, line 6, strike "1943" and insert "1934".
The Journal for the thirty-first day was approved as corrected.

STANDING COMMITTEE REPORTS
Business and Labor

LEGISLATIVE BILL 1064. Placed on General File as amended.
Standing Committee amendment to LB 1064:
AM3075

1. On page 4, line 18, after "employer" insert ", except as otherwise provided for by the Nebraska Worker's Compensation Act. The employee shall

have the right to make the initial selection of his or her physician at the time the employee starts work with the employer and whenever the employee changes physicians before an injury. The employer shall inform the employee of the employee's right to select a physician at the time of employment and at least once every two years thereafter during the employee's employment. Employers shall notify employees currently employed of such right on or after the effective date of this act. If an employer fails to notify an employee of such right, the employee shall have the right to make the initial selection of his or her physician"; and reinstate the stricken matter beginning with "If" in line 23 through line 25.

2. On page 5, lines 1 through 3, reinstate the stricken matter; in line 14 strike "Nebraska Workers' Compensation Act", show as stricken, and insert "act"; and in line 19 strike "The" and insert "If the employee does not make his or her initial selection of a physician pursuant to this section, the".

LEGISLATIVE BILL 1084. Placed on General File as amended.
Standing Committee amendment to LB 1084:
AM3033

1. On page 18, line 2, strike "commission" and insert "Governor's Committee on Employment of People with Disabilities".

(Signed) George Coordsen, Chairperson

Nebraska Retirement Systems

LEGISLATIVE BILL 1057. Placed on General File.

(Signed) Arlene Nelson, Chairperson

REPORTS

Received from the Nebraska Department of Roads minutes of the Board of Public Roads Classifications and Standards for December 1991.

Received Status Report from the Department of Economic Development on the Nebraska Development Network as required in LB 843, 1992 Legislative Session.

NOTICE OF COMMITTEE HEARING
Rules

Tuesday, March 3, 1992, Room 2102 1:00 p.m.
Senator Withem's Proposed Rule changes
Legislative Journal pages 955-957

(Signed) Daniel Lynch, Chairperson

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 518. Placed on General File as amended.
Standing Committee amendment to LB 518:
AM2978

1. Strike the original sections and insert the following new sections:

"Section 1. Except for applications filed before the effective date of this act, neither the department nor any political subdivision shall grant a permit for the construction or operation of a waste incinerator prior to promulgation of regulations relating to classification of incinerators by the United States Environmental Protection Agency in accordance with the schedule set forth in the 1990 amendments to the Clean Air Act and adoption of rules and regulations by the state which include permit program requirements that are at least as stringent as the regulations contained in 56 Federal Register pages 7134 to 7240, February 21, 1991, and the 1990 amendments to the Clean Air Act. Permits may be issued for particular classes of waste incinerators as regulations for such classes are promulgated by the federal government and by the state.

Sec. 2. That section 81-1532, Revised Statutes Supplement, 1991, be amended to read as follows:

81-1532. Sections 81-1501 to 81-1533 and section 1 of this act shall be known and may be cited as the Environmental Protection Act.

Sec. 3. That original section 81-1532, Revised Statutes Supplement, 1991, is repealed.

Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

LEGISLATIVE BILL 1101. Placed on General File as amended.
Standing Committee amendment to LB 1101:
AM2969

1. Insert the following new sections:

"Sec. 4. That section 81-815.22, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-815.22. As used in sections 81-815.21 to 81-815.35, unless the context otherwise requires:

(1) Commission shall mean the Game and Parks Commission;

(2) State parks shall mean parks of substantial area with the primary value of significant statewide scenic, scientific, or historic interest, having a complete development potential and, ~~where~~ when possible, a representative portion which can be retained in a natural or relatively undisturbed state;

(3) State recreation areas shall mean areas with a primary value for day use, but with secondary overnight-use facilities or potential, which have reasonable expansion capability~~,~~ and are located in accordance with sound park management principles;

(4) State historical parks shall mean only sites which, in the opinion of competent, recognized authorities, are of notable historical significance to the State of Nebraska, of a size adequate to develop the full interpretative potential of the site, and which may be equipped with limited day-use facilities when such facilities do not detract from nor interfere with the primary purposes and values thereof; ~~and~~

(5) State wildlife management areas shall be those areas which are primarily of public hunting, fishing, or other wildlife values~~,~~ and which cannot logically be classified in one of the categories listed in subdivision (2), (3), or (4) of this section, when so designated by the commission to be maintained from fish

and game funds; and

(6) State recreation trails shall mean linear corridors of statewide or regional significance established primarily near urban areas, acquired principally for nonmotorized recreational use, and which may be equipped with day-use amenities and support facilities appropriate to their intended purpose.

Sec. 5. That section 81-815.31, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-815.31. (1) The commission is hereby authorized to enter into cooperative agreements with the Nebraska State Historical Society and other appropriate public agencies for the reconnaissance, development, and administration of state historical parks.

(2) The commission may enter into cooperative agreements with appropriate agencies or subdivisions~~,~~ or departments~~,~~ of government for the reconnaissance, development, and administration of state ~~wayside areas~~ recreation trails.".

2. On page 4, line 16, strike "and" and after the second comma insert "81-815.22, and 81-815.31,".

3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 1114. Placed on General File as amended. (Standing Committee amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM2979.)

LEGISLATIVE BILL 1122. Placed on General File as amended.
Standing Committee amendment to LB 1122:
AM3059

1. Insert the following new section:

"Section 1. That section 71-1631, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1631. The board of health of each county, district, or city-county health department organized under sections 71-1626 to 71-1636 shall, immediately after appointment, meet and organize by the election of one of its own members as president, one as vice president, and another as secretary and, either from its own members or otherwise, a treasurer and shall have the power ~~herein~~ set forth~~. It~~ in this section. The board may elect such other officers~~,~~ as it may deem necessary~~,~~ and make and adopt such rules for its own guidance and for the government of such health department as may be necessary, not inconsistent with ~~said~~ such sections. The board of health ~~It~~ shall, with the approval of the board of county commissioners and the municipality, whenever a city is a party in such a city-county health department (1) select the health director of such department~~,~~ who shall be (a) well-trained in public health work though he or she need not be a graduate of an accredited medical school, but if he or she is not such a graduate, he or she shall be assisted at least ~~part-time~~ part-time by at least one medical consultant who shall be a licensed physician, (b) qualified in accordance with the merit system regulations of the state, and (c) approved by the Department of Health; (2) hold an annual meeting each year, at which meeting officers shall be elected for the ensuing year; (3) hold meetings quarterly each year; (4) hold special meetings upon a written request signed by two of its members and filed with the secretary; (5) make provision for suitable offices, facilities, and equipment for the health director and assistants and their pay and traveling expenses in the performance of their duties, with mileage to be computed at the rate provided in section 23-1112; ~~for county officers and employees;~~ (6) publish, on or soon after the second Tuesday in July of each year, in pamphlet form for free distribution, an annual report showing (a) the condition of its trust for each year, (b) the sums of money received from all sources, giving the name of any donor, (c) how all money has been expended and for what purpose, and (d) such other statistics and information ~~in~~ with regard to the work of such health department as may be of general interest; (7) enact rules and regulations, subsequent to public hearing held after due public notice of such hearing by publication at least once in a newspaper having general circulation in the county or district at least ten days prior to such hearing, and enforce the same for the protection of public health and the prevention of communicable diseases within its jurisdiction, subject to the review and approval of such rules and regulations by the State Board of Health; (8) make all necessary sanitary and health investigations and inspections; (9) in counties having a population of more than three hundred thousand inhabitants, enact rules and regulations for the protection of public health and the prevention of communicable diseases within the district, except ~~; PROVIDED,~~ that such rules and regulations shall have no application within the jurisdictional limits of any city of the metropolitan class~~, nor~~ and shall not be in effect until (a) thirty days after the completion of a three-week publication in a legal newspaper, (b) approved by the county attorney with his or her written approval attached thereto, and (c) filed in the office of the county clerk of such county; (10) investigate the existence of any contagious or infectious disease and adopt measures, with the approval of the Department of Health, to arrest the progress of the same; (11) distribute free~~,~~ as the local needs may require~~,~~ all vaccines, drugs, serums, and other preparations obtained from the Department of Health or purchased for public health purposes by the county board; (12) upon request, give professional advice and information to all city, village, and school authorities on all matters pertaining to sanitation and public health; (13) fix the salaries of all employees, including the health director. Such city-county health department may also establish an independent pension plan, retirement plan, or health insurance plan~~,~~ or by agreement with any participating city or county~~,~~ provide for the coverage of officers and employees of such city-county health department under such city or county pension plan, retirement plan, or health insurance plan. Officers and employees of a county health department shall be eligible to participate in the county pension plan, retirement plan, or health insurance plan of such county; ~~and~~ (14) establish fees for the costs of all services including those services for which third-party payment is available; and (15) exercise all other powers reasonably necessary to comply with or carry out the Clean Air Act, 42 U.S.C. 7661f(e) as amended.".

2. On page 20, line 7, after "fees" insert "sufficient to pay the reasonable direct and indirect costs of developing and administering the air quality

permit program".

3. On page 23, line 1, strike "5" and insert "6".

4. On page 35, line 1, strike "5" and insert "6"; and in line 6 after the period insert "Any fee collected pursuant to section 6 of this act shall be used solely to pay the reasonable direct and indirect costs required to develop and administer the air quality permit program.".

5. On page 36, line 9, after "pollutant" insert "or"; in line 19 after "The" insert "emission" and after "increased" insert "or decreased"; in line 21 strike beginning with the comma through "which" and insert "difference between"; in line 23 strike "exceed" and insert "and"; and in line 24 after "1989" insert "or as required to pay all reasonable direct and indirect costs of developing and administering the air quality permit program".

6. On page 37, line 3, after "year" insert "and reasonable direct and indirect costs of developing and administering the air quality permit program, as required under Title V of the 1990 Amendments to the Clean Air Act, 42 U.S.C. 7661f(e), as amended, shall include:

(1) Consideration of any associated overhead charges for personnel, equipment, buildings, and vehicles;

(2) Reviewing and acting on any application for a permit or permit revision;

(3) Implementing and enforcing the terms of any permit, not including any court costs or other costs associated with any formal enforcement action;

(4) Emissions and ambient monitoring, including adequate resources to audit and inspect source-operated monitoring programs;

(5) Preparing generally applicable regulations or guidance;

(6) Modeling, analyses, or demonstrations;

(7) Preparing inventories and tracking emissions; and

(8) Providing support to sources under the Small Business Compliance Advisory Panel"; and in line 9 after the underscored period insert "Such definitions or

listing shall comply with and not be more stringent than the requirements of the Clean Air Act, 42 U.S.C. 7661f(e), as amended.

The department shall, on or before January 1 of each year, submit a report to the Legislature documenting all direct and indirect costs incurred and emission fees assessed in carrying out the air quality permit program. The Appropriations Committee of the Legislature shall review such report in its analysis of executive programs in order to verify that revenue generated from emission fees was used solely to offset appropriate and reasonable costs associated with the air quality permit program.".

7. On page 49, in lines 9 through 12, strike the new matter and reinstate the stricken matter; and in line 14 after "proceedings" insert ", except that such requirement shall not be construed to alter enforcement duties or requirements of the director and the department".

8. On page 51, line 16, strike "4 and 5" and insert "5 and 6"; and in line 18 after "sections" insert "71-1631,".

9. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 1233. Placed on General File as amended.
Standing Committee amendment to LB 1233:
AM3081

1. Strike original section 7 and insert the following new section:

"Sec. 7. Any person who violates any provision of the Environmental Protection Act by knowingly and willfully committing any of the offenses in section 5 of this act, and thereby causes air, water, or land pollution which presents an imminent and substantial endangerment to human health and the environment, shall be guilty of a Class III felony.".

2. On page 4, line 5, strike "and the"; and in line 6 strike "environment" and insert "through environmental enforcement".

3. On page 14, line 16, strike "deposit" and insert "emission".

4. On page 23, lines 6 and 20; and on page

29, line 3, strike "and 6" and insert "to 7".

5. On page 24, strike beginning with "knowingly" in line 21 through "willfully" in line 22; and in line 23 before "committing" insert "knowingly and willfully".

6. On page 26, line 3, strike "knowingly and willfully"; in line 4 after "by" insert "knowingly and willfully"; and in line 20 after "entity" insert ", if such officers knowingly and willfully violate this section,".

7. On page 29, line 6, strike "81-1506, and 81-1510" and insert "and 81-1506".

LEGISLATIVE BILL 1239. Placed on General File as amended.
Standing Committee amendment to LB 1239:
AM3051

1. On page 8, line 7, reinstate "annual rotation" and after the reinstated "rotation" insert "or"; and in lines 9 through 13 strike the new matter and reinstate the stricken matter.

LEGISLATIVE BILL 1258. Placed on General File as amended.
(Standing Committee amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM3025.)

LEGISLATIVE BILL 70. Indefinitely postponed.
LEGISLATIVE BILL 73. Indefinitely postponed.
LEGISLATIVE BILL 613. Indefinitely postponed.
LEGISLATIVE BILL 881. Indefinitely postponed.
LEGISLATIVE BILL 888. Indefinitely postponed.
LEGISLATIVE BILL 889. Indefinitely postponed.
LEGISLATIVE BILL 893. Indefinitely postponed.
LEGISLATIVE BILL 1005. Indefinitely postponed.
LEGISLATIVE BILL 1020. Indefinitely postponed.
LEGISLATIVE BILL 1030. Indefinitely postponed.
LEGISLATIVE BILL 1143. Indefinitely postponed.
LEGISLATIVE BILL 1263. Indefinitely postponed.

LEGISLATIVE RESOLUTION 17CA. Indefinitely postponed.

(Signed) Rod Johnson, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 246. Introduced by Wickersham, 49.

WHEREAS, the Rushville High School wrestling team scored one hundred twenty-seven points to win the 1992 Class C State High School Wrestling Tournament; and

WHEREAS, these young men have demonstrated athletic excellence deserving statewide recognition by winning their second consecutive state wrestling championship; and

WHEREAS, the winning of the Class C State High School Wrestling Tournament demonstrates the willingness of these young men to work, concentrate, and cooperate as a team.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Rushville High School wrestling team be congratulated for their outstanding effort this season and for winning their second consecutive Class C State High School Wrestling Tournament.
2. That a copy of this resolution be sent to Coach Ward Wacker and the Rushville High School wrestling team.

Laid over.

MOTION - Introduce New Bills

Mr. Coordsen renewed his pending motion, found in the Journal on page 967, to introduce request numbers 1934 and 1935 pursuant to Rule 5, Section 4 (c) 2.

The Coordsen motion prevailed with 31 ayes, 0 nays, 6 present and not voting, and 12 excused and not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1292. Introduced by Business and Labor Committee: Coordsen, 32, Chairperson; Bohlke, 33; Chambers, 11; Elmer, 38; Hefner, 19; Morrissey, 1; Schimek, 27.

A BILL FOR AN ACT relating to claims against the state; to appropriate funds for the payment of certain claims; to provide for payment of the claims; to authorize certain write-offs as prescribed; and to declare an emergency.

LEGISLATIVE BILL 1293. Introduced by Business and Labor Committee: Coordsen, 32, Chairperson; Bohlke, 33; Chambers, 11; Elmer, 38; Hefner, 19; Morrissey, 1; Schimek, 27.

A BILL FOR AN ACT relating to claims against the state; to disapprove certain claims.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 28.

A BILL FOR AN ACT relating to liability; to amend section 28-1417, Reissue Revised Statutes of Nebraska, 1943; to require political subdivisions to defend and pay judgments in behalf of firefighters and emergency medical services providers; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Ashford
Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Chizek
Conway
Coordsen
Crosby
Cudaback
Dierks
Elmer
Haberman
Hefner
Hillman
Johnson, L.
Johnson, R.
Lamb
Landis
Lindsay
Lynch
Moore
Nelson
Peterson
Rasmussen
Robak
Robinson
Schellpeper
Schimek
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 0.

Present and not voting, 2:

Byars
Hall

Excused and not voting, 10:

Abboud
Chambers
Hartnett
Horgan
Kristensen
Labedz
Morrissey
Pirsch
Rogers
Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 169.

A BILL FOR AN ACT relating to social services; to amend section 43-905, Reissue Revised Statutes of Nebraska, 1943, and section 81-8,239.01, Revised Statutes Supplement, 1991; to require the Department of Social Services to provide liability and property damage insurance and the payment of liability and property damage claims to foster parents; to state intent; to create a fund; to provide duties for the Risk Manager; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 35:

Ashford
Baack
Bernard-Stevens
Beyer
Bohlke
Byars
Chizek
Conway
Coordsen
Crosby
Cudaback
Dierks
Elmer
Haberman
Hillman
Johnson, L.
Johnson, R.
Landis
Lindsay
Lynch
Moore
Morrissey
Nelson
Pirsch
Rasmussen
Robak
Robinson
Schellpeper
Schimek
Schrock
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 4:

Beutler
Hefner
Lamb
Warner

Present and not voting, 2:

Hall
Peterson

Excused and not voting, 8:

Abboud
Chambers
Hartnett
Horgan
Kristensen
Labedz
Rogers
Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 274.

A BILL FOR AN ACT relating to agriculture; to create the Climate Assessment Response Committee; and to provide powers and duties.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Ashford
Baack
Beyer
Bohlke
Byars
Chizek
Conway
Coordsen
Crosby
Cudaback
Dierks
Elmer
Haberman
Hall
Hefner
Hillman
Johnson, L.
Johnson, R.
Kristensen
Lamb
Landis
Lindsay
Lynch
Moore
Morrissey
Nelson
Peterson
Pirsch
Rasmussen
Robak
Robinson
Schellpeper
Schimek
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will

Voting in the negative, 0.

Present and not voting, 3:

Bernard-Stevens
Beutler
Withem

Excused and not voting, 7:

Abboud
Chambers
Hartnett
Horgan
Labedz
Rogers
Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 275.

A BILL FOR AN ACT relating to milk; to adopt the Dairy Industry Development Act; and to provide operative dates.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud
Ashford
Baack
Bernard-Stevens
Beyer
Bohlke
Byars
Chizek
Conway
Coordsen
Crosby
Cudaback
Dierks
Elmer
Hall
Hefner
Hillman
Johnson, L.
Johnson, R.
Kristensen
Lamb
Landis
Lindsay
Lynch
Moore
Morrissey
Nelson
Peterson
Pirsch
Rasmussen
Robak
Robinson
Schellpeper
Schimek
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 0.

Present and not voting, 2:

Beutler
Haberman

Excused and not voting, 6:

Chambers
Hartnett
Horgan
Labedz
Rogers
Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 275A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 275, Ninety-second Legislature, Second Session, 1992; and to provide an operative date.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud
Ashford
Baack
Bernard-Stevens
Beyer
Bohlke
Byars
Chizek
Conway
Coordsen
Crosby
Cudaback
Dierks
Elmer
Hall
Hefner
Hillman
Johnson, L.
Johnson, R.
Kristensen
Lamb
Landis
Lindsay
Lynch
Moore
Morrissey
Nelson
Peterson
Pirsch
Rasmussen
Robak
Robinson
Schellpeper
Schimek
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 0.

Present and not voting, 2:

Beutler
Haberman

Excused and not voting, 6:

Chambers
Hartnett
Horgan
Labedz
Rogers
Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 28, 169, 274, 275, and 275A.

GENERAL FILE

LEGISLATIVE BILL 1120. The Lynch pending amendment, AM3001, printed separately from the Journal and reoffered on page 962, to the Standing Committee amendment, was renewed.

Mr. Lynch withdrew his pending amendment.

Mr. Hall offered the following amendment to the Standing Committee amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM3117.)

MR. WARNER PRESIDING

SPEAKER BAACK PRESIDING

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Hall requested a record vote on his amendment.

Voting in the affirmative, 17:

Abboud
Beyer
Coordsen
Cudaback
Dierks
Elmer
Haberman
Hall
Hefner
Johnson, L.
Lamb
Lynch
Moore
Robinson
Rogers
Schmit
Schrock

Voting in the negative, 25:

Ashford
Baack
Bernard-Stevens
Beutler
Bohlke
Byars
Chizek
Conway
Crosby
Hillman
Horgan
Kristensen
Landis
Lindsay
Morrissey
Nelson
Pirsch
Rasmussen
Schellpeper
Schimek
Warner
Wehrbein
Wickersham
Will
Withem

Present and not voting, 5:

Chambers
Johnson, R.
Labedz
Peterson
Wesely

Excused and not voting, 2:

Hartnett
Robak

The Hall amendment lost with 17 ayes, 25 nays, 5 present and not voting, and 2 excused and not voting.

Pending.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 964. Placed on General File as amended.
Standing Committee amendment to LB 964:

AM3070

1. Strike the original sections and insert the following new section:

"Section 1. (1) The Superintendent of the Nebraska State Patrol or his or her designee shall allocate grants or funding on a local matching basis to cities, villages, and school districts that apply for grants or funding for gun safety programs, projects, and information affirmatively intended to reduce deaths and injuries from gun accidents. Grants or funding may be allocated for projects such as the production, development, and distribution of firearm safety pamphlets, literature, and video cassettes and local gun amnesty programs. No gun amnesty program shall offer money or any other thing of value in exchange for the surrender of a firearm. Cities, villages, and school districts applying for grants or funding shall describe the intended use of the grants or funding.

(2) The criteria the superintendent or his or her designee shall use to allocate the grants or funding shall include:

(a) Cost effectiveness of the program or project;

(b) Ratio of applicant's local matching funds; and

(c) Overall city, village, or school district involvement in the program or project.".

(Signed) Gerald Conway, Chairperson

Nebraska Retirement Systems

LEGISLATIVE BILL 886. Indefinitely postponed.

(Signed) Arlene Nelson, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 1201. Indefinitely postponed.

(Signed) David Landis, Chairperson

Judiciary

LEGISLATIVE BILL 1109. Placed on General File.
LEGISLATIVE BILL 1219. Placed on General File.
LEGISLATIVE BILL 1255. Placed on General File.

LEGISLATIVE BILL 1148. Placed on General File as amended.
Standing Committee amendment to LB 1148:
AM3103

1. Strike original sections 1, 3 to 5, 7 to 9, 11 to 15, and 17 to 19 and insert the following new section:

"Sec. 5. That original sections 28-1213, 28-1227, 28-1233, and 28-1239, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

2. On page 3, line 11; page 8, lines 22 and 23; page 16, lines 17 and 18; page 17, lines 13 and 14, 17, and 23; and page 22, lines 1 and 2, strike "and section 4 of this act".

3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 630. Indefinitely postponed.
LEGISLATIVE BILL 963. Indefinitely postponed.
LEGISLATIVE BILL 1211. Indefinitely postponed.
LEGISLATIVE BILL 1265. Indefinitely postponed.

(Signed) Jerry Chizek, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1120. Mr. Hall offered the following amendment to the Standing Committee amendment:
FA277

Add the following new section

77-27,132. Revenue Distribution Fund; created; use; collections under act; disposition. (1) There is hereby created a fund to be designated the Revenue Distribution Fund which shall be set apart and maintained by the Tax Commissioner. Revenue not required to be credited to the General Fund or any other specified fund may be credited to the Revenue Distribution Fund. Credits and refunds of such revenue shall be paid from the Revenue Distribution Fund. The balance of the amount credited, after credits and refunds, shall be allocated as provided by the statutes creating such revenue.

(2) The Tax Commissioner shall pay to a depository bank designated by the State Treasurer all amounts collected under the Nebraska Revenue Act of 1967. The Tax Commissioner shall present to the State Treasurer bank receipts showing amounts so deposited in the bank, and of the amounts so deposited the State Treasurer shall credit to the Highway Trust Fund ninety and nine tenths percent of all of the proceeds of the sales and use taxes derived from motor vehicles, trailers, and semitrailers. The balance of the amounts so paid shall be credited to the General Fund.

Mr. Hall moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mr. Hall requested a roll call vote on his amendment.

Voting in the affirmative, 23:

Bernard-Stevens
Beutler
Bohlke
Chambers
Chizek
Dierks
Haberman
Hall
Horgan
Labedz
Landis
Lindsay
Lynch
Morrissey
Pirsch
Rasmussen
Robinson
Schellpeper
Schmit
Wesely
Wickersham
Will
Withem

Voting in the negative, 24:

Abboud
Ashford
Baack
Beyer
Byars
Conway
Coordsen
Crosby
Cudaback
Elmer
Hefner
Hillman
Johnson, L.
Johnson, R.
Kristensen
Lamb
Moore
Nelson
Peterson
Rogers
Schimek
Schrock
Warner
Wehrbein

Excused and not voting, 2:

Hartnett
Robak

The Hall amendment lost with 23 ayes, 24 nays, and 2 excused and not voting.

The Chair declared the call raised.

The Standing Committee amendment, as amended, was considered.

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 12 nays, and 12 not voting.

Mr. Moore moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Mr. Moore requested a roll call vote on the Standing Committee amendment, as amended.

Voting in the affirmative, 23:

Abboud
Baack
Beyer
Byars
Coordsen
Cudaback
Dierks
Elmer
Haberman
Hefner
Johnson, L.
Johnson, R.
Lamb
Moore
Morrissey
Peterson
Robinson
Rogers
Schellpeper
Schmit
Schrock
Wehrbein
Wickersham

Voting in the negative, 25:

Ashford
Bernard-Stevens
Beutler
Bohlke
Chambers
Chizek
Conway
Crosby
Hall
Hillman
Horgan
Kristensen
Labedz
Landis
Lindsay
Lynch
Nelson
Pirsch
Rasmussen
Robak
Schimek
Warner
Wesely
Will
Withem

Excused and not voting, 1:

Hartnett

The Standing Committee amendment, as amended, lost with 23 ayes, 25 nays, and 1 excused and not voting.

Pending.

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 1025. Placed on General File.

LEGISLATIVE BILL 1026. Placed on General File as amended.

(Standing Committee amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM3065.)

LEGISLATIVE BILL 1192. Placed on General File as amended.
Standing Committee amendment to LB 1192:
AM3014

1. Strike the original sections and insert the following new sections:

"Section 1. Sections 1 to 8 of this act shall be known and may be cited as the Homeless Shelter Assistance Trust Fund Act.

Sec. 2. It is the intent of the Homeless Shelter Assistance Trust Fund Act to provide funds aimed at meeting the needs of homeless individuals and other individuals with locally identified and documented special housing needs.

It is further the intent of the act that homeless individuals shall include persons who lack a fixed, regular, and adequate nighttime residence and who are living in a publicly or privately subsidized hotel, motel, shelter, or other temporary living quarters or any place not designated for or ordinarily used as regular sleeping accommodations for human beings. The act is not intended to include those individuals in prison or detained pursuant to state or federal law.

Sec. 3. For purposes of the Homeless Shelter Assistance Trust Fund Act, department shall mean the Department of Economic Development.

Sec. 4. The Homeless Shelter Assistance Trust Fund is hereby created. The fund shall include the proceeds raised from documentary stamp tax remitted for such fund pursuant to section 76-903. All money raised for the Homeless Shelter Assistance Trust Fund Act shall be remitted to such fund and earmarked by the department for grants to eligible shelter providers as set out in section 5 of this act for the purpose of assisting in the alleviation of homelessness, to provide temporary and permanent shelters for homeless persons, to encourage the development of projects which link housing assistance to programs promoting the concept of self-sufficiency, and to address the needs of the migrant farmworker.

Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.

Sec. 5. (1) The department shall use the funds in the Homeless Shelter Assistance Trust Fund to finance grants for projects or programs that provide for persons or families with special housing needs.

(2) Projects and programs to which funds shall be provided include eligible community, neighborhood-based, housing-assistance organizations, institutions, associations, and societies or corporations that:

(a) Are exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986, as amended;

(b) Do not discriminate on the basis of age, religion, sex, race, color, or national origin;

(c) Provide twenty-four hour residential housing;

(d) Conduct an annual certified external audit; and

(e) Operate a drug-free premises.

(3) The housing advisory committee established pursuant to section 81-1281 shall advise and assist the department in establishing criteria, priorities, and guidelines for eligibility requirements, application requirements and dates, public notification, and monitoring and shall assist the department in adopting and promulgating rules and regulations for providing grants from the fund.

(4) An application submitted by an organization representing a number of eligible applicants may be considered even though the representing organization may itself not qualify under this section.

(5) In making grants pursuant to the Homeless Shelter Assistance Trust Fund Act, the department shall consider, but not be limited to, the following factors:

(a) The number of night-lodging units provided by the applicant as measured by the number of persons housed per night;

(b) The number of meals provided by the applicant;

(c) Other verifiable units of service

provided by the applicant; and

(d) The geographic distribution of funds.

Sec. 6. Grant money may be used by eligible recipients in meeting the special housing needs of individuals including meals, transportation, counseling, housekeeping, care management, and personal emergency response needs.

Sec. 7. All applications for grants shall be accompanied by a certified independent audit for the immediately preceding fiscal year, and recipients of grant money shall, upon request, submit to the department records for verification of the information included on applications submitted for grants from the Homeless Shelter Assistance Trust Fund.

Sec. 8. The department shall adopt and promulgate rules and regulations to carry out the Homeless Shelter Assistance Trust Fund Act.

Sec. 9. That section 76-901, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

76-901. There is hereby imposed a tax on the grantor executing the deed as defined in section 76-203 upon the privilege of transferring beneficial interest in or legal title to real estate at the rate of one dollar and ~~fifty~~ seventy-five cents for each one thousand dollars value or fraction thereof. For purposes of sections 76-901 to 76-908, value shall mean (1) in the case of any deed, not a gift, the amount of the full actual consideration thereof, paid or to be paid, including the amount of any lien or liens assumed, and (2) in the case of a gift or any deed with nominal consideration or without stated consideration, the current market value of the property transferred. Such tax shall be evidenced by stamps to be attached to the deed. All deeds purporting to transfer legal title or beneficial interest shall be presumed taxable unless it clearly appears on the face of the deed or sufficient documentary proof is presented to the register of deeds that the instrument is exempt under section 76-902.

Sec. 10. That section 76-903, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

76-903. The Tax Commissioner shall design such stamps in such denominations as in his or her judgment will be the most advantageous to all persons concerned. When any deed subject to the tax imposed by section 76-901 is offered for recordation, the register of deeds shall ascertain and compute the amount of the tax due thereon and shall collect such amount as a prerequisite to acceptance of the deed for recordation. If a dispute shall arise concerning the taxability of the transfer, the register of deeds shall not record the deed until the disputed tax is paid. If a disputed tax has been paid, the taxpayer may file for a refund pursuant to section 76-908. The taxpayer may also seek a declaratory ruling pursuant to rules and regulations adopted and promulgated by the Department of Revenue. The register of deeds shall retain ~~thirty-three and one-third~~ thirty percent of the proceeds of the sale of stamps to be placed in the county general fund. ~~The remainder~~ Fifty-five percent of the proceeds shall be remitted by the register of deeds to the State Treasurer for ~~deposit in~~ credit to the state General Fund, and fifteen percent of the proceeds shall be remitted by the register of deeds to the State Treasurer for credit to the Homeless Shelter Assistance Trust Fund.

Sec. 11. This act shall become operative on January 1, 1993.

Sec. 12. That original sections 76-901 and 76-903, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

LEGISLATIVE BILL 883. Indefinitely postponed.
LEGISLATIVE BILL 986. Indefinitely postponed.
LEGISLATIVE BILL 1021. Indefinitely postponed.
LEGISLATIVE BILL 1055. Indefinitely postponed.
LEGISLATIVE BILL 1090. Indefinitely postponed.
LEGISLATIVE BILL 1121. Indefinitely postponed.
LEGISLATIVE BILL 1123. Indefinitely postponed.
LEGISLATIVE BILL 1141. Indefinitely postponed.
LEGISLATIVE BILL 1149. Indefinitely postponed.
LEGISLATIVE BILL 1157. Indefinitely postponed.
LEGISLATIVE BILL 1159. Indefinitely postponed.
LEGISLATIVE BILL 1161. Indefinitely postponed.
LEGISLATIVE BILL 1162. Indefinitely postponed.
LEGISLATIVE BILL 1207. Indefinitely postponed.

LEGISLATIVE BILL 1223. Indefinitely postponed.
LEGISLATIVE BILL 1224. Indefinitely postponed.

LEGISLATIVE RESOLUTION 227CA. Indefinitely postponed.

(Signed) Tim Hall, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 25, 1992, at 10:30 a.m., were the following bills: 28, 169, 274, 275, and 275A.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

UNANIMOUS CONSENT - Print in Journal

Mr. Conway asked unanimous consent to print the following amendment to LB 664 in the Journal. No objections. So ordered.

AM3069

1. In the Standing Committee amendment, AM0706:

a. On page 1, line 21, strike "subsection (2)", show as stricken, and insert "subsections (2) and (3)"; and

b. On page 2, line 2, after the period insert:

"At the end of each fiscal year, the State Treasurer shall transfer from the Uniform Commercial Code Cash Fund to the General Fund any amount in the Uniform Commercial Code Cash Fund which exceeds fifty percent of the ensuing fiscal year's budget plus any encumbrances from the prior fiscal year."; strike beginning with "a" in line 4 through the period in line 18, show the old matter as stricken, and insert "or register of deeds such computer equipment, computer usage, computer communications, and other communications equipment necessary to facilitate the purposes of Chapter 52 and of section 9-415, Uniform Commercial Code.

(3) With regard to the computer and information systems established pursuant to such chapter

and section, the Secretary of State shall develop systems and programs to adapt to current technology, to enhance the utilization of the systems by filing officers, governmental agencies, and other uses of the systems, and to develop and test demonstration systems and programs relating to the filing of security interests and liens."; and in line 21 after the comma insert "which rules and regulations shall include provisions for notifying the secured party of the date and place of filing,".

Mr. Lamb asked unanimous consent to print the following amendment to LB 339 in the Journal. No objections. So ordered.

AM3095

1. Insert the following new sections:

"Sec. 2. That section 37-110, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-110. Commencing January 1, 1977, whenever the ~~Game and Parks Commission~~ commission acquires title to private lands for wildlife management purposes, the commission shall annually make ~~the same~~ payments in lieu of taxes. Commencing with tax year 1992, the payments shall be the same as the taxes would be on such property if owned by a private person and shall be made ~~as were made by private landowners for the year prior to such acquisitions~~ to the county treasurer of the county in which the land is located. The county treasurer shall allocate such payments to each taxing unit levying taxes on such property in the county in which the land has tax situs in the same proportion that the levy on the property of such taxing unit bears to the total levy on such real property of all the taxing units in which the property is taxed.

Sec. 3. That original section 37-110, Reissue Revised Statutes of Nebraska, 1943, is repealed.

Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. Underscore original section 1.

Mr. Hall asked unanimous consent to print the following amendments to LR 219CA in the Journal. No objections. So ordered.

(1)

AM3110

(Amendments to Standing Committee amendments, AM2861)

1. On page 1, strike beginning with "Notwithstanding" in line 14 through line 17.

2. On page 5, strike beginning with "Notwithstanding" in line 3 through the colon in line 6.

(2)

AM3111

(Amendments to Standing Committee amendments, AM2861)

1. On page 3, line 16, after the semicolon insert "and"; and strike beginning with "in" in line 16 through line 24.

2. On page 4, strike beginning with "not" in line 1 through "(8)" in line 7.

(3)

AM3112

(Amendments to Standing Committee amendments, AM2861)

1. On page 1, strike beginning with the last comma in line 7 through "VIII" in line 8.

2. On page 7, strike lines 12 through 19.

3. On page 8, line 7, after the comma insert "and"; and strike beginning with the comma in line 9 through "amendment" in line 13.

(4)

AM3113

(Amendments to Standing Committee amendments, AM2861)

1. Strike sections 1 and 2 and all amendments thereto and insert the following new sections:

"Section 1. That at the primary election in May 1992 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska to amend Article VIII, sections 1 and 2:

CVIII-1 The necessary revenue of the state and its governmental subdivisions shall be raised by taxation in such manner as the Legislature may direct. Taxes shall be levied by valuation uniformly and proportionately upon all ~~tangible~~ real property and franchises, except that~~: (1) The Legislature may provide for a different method of taxing motor vehicles and may also establish a separate class of motor vehicles consisting of those owned and held for resale by motor vehicle dealers which shall be taxed in the manner and to the extent provided by the Legislature and may also establish a separate class for trucks, trailers, semitrailers, truck-tractors, or combinations thereof, consisting of those owned by residents and nonresidents of this state, and operating in interstate commerce, and may provide reciprocal and proportionate taxation of such vehicles; PROVIDED, that such tax proceeds from motor vehicles taxed in each county shall be allocated to the state, counties, townships, cities, villages, and school districts of such county in the same proportion that the levy of each bears to the total levy of the county on personal tangible property; and (2)~~ the Legislature may provide that agricultural land and horticultural land, as defined by the Legislature, shall constitute a separate and distinct class of property for purposes of taxation and may provide for a different method of taxing agricultural land and horticultural land which results in values that are not uniform and proportionate with all other ~~tangible~~ real property and franchises but which results in values that are uniform and proportionate upon all property within the class of agricultural land and horticultural land. The Legislature may enact laws to provide that the value of land actively devoted to agricultural or horticultural use shall for property tax purposes be that value which such land has for agricultural or horticultural use without regard to any value which such land might have for other purposes or uses and may prescribe standards and methods for the determination of the value of real ~~or other tangible~~ property at uniform and proportionate values. The Legislature may provide for a different method of taxing motor vehicles and may also establish a separate class of motor vehicles consisting of those owned and held for resale by motor vehicle dealers which shall be taxed in the manner and to the extent provided by the Legislature and may also establish a separate class for trucks, trailers, semitrailers, truck-tractors, or combinations thereof, consisting of those owned by residents and nonresidents of this state, and operating in interstate commerce, and may provide reciprocal and proportionate taxation of such vehicles. The tax proceeds from motor vehicles taxed in each county shall be allocated to the counties, townships, cities, villages, and school districts of such county in the same proportion that the levy of each bears to the total levy of the county on taxable property. Taxes uniform as to class of property or the ownership or use thereof may be levied by valuation or otherwise upon classes of intangible property as the Legislature may determine, and such intangible property held in trust or otherwise for the purpose of funding pension, profit-sharing, or other employee benefit plans as defined by the Legislature may be declared exempt from taxation. Taxes other than property taxes may be authorized by law. Existing revenue laws shall continue in effect until changed by the Legislature. The Legislature may provide that livestock shall constitute a separate and distinct class of property for purposes of taxation and may further provide for reciprocal and proportionate taxation of livestock located in this state for only part of a year.'

CVIII-2 'The property of the state and its governmental subdivisions shall be exempt from taxation. The Legislature by general law may exempt property owned by and used exclusively for agricultural and horticultural societies, and property owned and used exclusively for educational, religious, charitable, or cemetery purposes, when such property is not owned or used for financial gain or profit to either the owner or user. Household goods and personal effects, as defined by law, may be exempted from taxation in whole or in part, as may be provided by general law, and the Legislature may prescribe a formula for the determination of value of household goods and personal effects. The Legislature may exempt inventory from taxation. The Legislature by general law may provide that the increased value of land by reason of shade or ornamental trees planted along the highway shall not be taken into account in the assessment of such land. The Legislature by general law and upon any terms, conditions, and restrictions it prescribes, may provide that the increased value of real property resulting from improvements designed primarily for energy conservation may be exempt from taxation. The value of a home substantially contributed by the ~~Veterans' Administration of the~~ United States Department of Veterans Affairs for a paraplegic veteran or multiple amputee shall be exempt from taxation during the life of such veteran or until the death ~~of his widow~~ or ~~her~~ remarriage of his or her spouse. The Legislature may exempt from an intangible property tax life insurance and life insurance annuity contracts and any payment connected therewith and any right to pension or retirement payments. The Legislature may classify personal property in such manner as it sees fit, and may exempt any of such classes, or may exempt all personal property from taxation. No property shall be exempt from taxation except as provided in ~~the~~ this Constitution. The Legislature may by general law provide that a portion of the value of any residence actually occupied as a homestead by any classification of owners as determined by the Legislature shall be exempt from taxation.'.

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

'A constitutional amendment to require that taxes be levied by valuation uniformly and proportionately on all real property and franchises, to restate provisions dealing with taxation of motor vehicles, to remove personal property from uniformity and proportionality requirements, and to authorize the Legislature to exempt inventory from taxation.

For

Against'.".

Messrs. Bernard-Stevens and Hall asked unanimous consent to print the following amendment to LB 1269 in the Journal. No objections. So ordered.

AM3107

1. Insert the following new section:

"Sec. 2. That section 76-214, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

76-214. Every grantee who has a deed to real estate recorded, which deed was executed after July 21, 1965, shall at the time such deed is presented for recording file with the register of deeds a completed statement as prescribed by the Tax Commissioner. For all deeds executed and recorded after January 1, 1986, the statement shall contain the social security number of the grantee, if living, or the federal employer identification number of the grantee. This statement may require the recitation of any information contained in the deed, the total consideration paid, the amount of the total consideration attributable to factors other than the purchase of the real estate itself, and other factors which may influence the transaction. This statement shall be signed and filed by the grantee or his or her authorized agent. If the grantee fails to furnish such statement, the register of deeds shall not record the deed. The register of deeds shall indicate on the statement the book and page or computer system reference where the deed is recorded and shall immediately forward the statement to the county assessor. The county assessor shall process the statement according to the instructions of the Tax Commissioner and shall, when directed, forward the statement to the Tax Commissioner. This statement and the information contained therein shall be confidential and available to tax officials and registered, licensed, or certified real estate appraisers only.".

2. On page 27, line 19, strike "60-1406" and insert "76-214"; and in line 20 after the second comma insert "section 39-602, Revised Statutes Supplement, 1990,".

3. Renumber the remaining sections accordingly.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1120A. Introduced by Hall, 7; Moore, 24.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1120, Ninety-second Legislature, Second Session, 1992; to state intent; and to declare an emergency.

UNANIMOUS CONSENT - Add Cointroducer

Mr. Lynch asked unanimous consent to have his name added as cointroducer to LB 835. No objections. So ordered.

MOTION - Place LB 1150 on General File

Mr. Lamb moved pursuant to Rule 3, Section 19(b), that LB 1150 be placed on General File.

Laid over.

VISITORS

Visitors to the Chamber were Mariluz Moreno from Spain, Cristian Vega from Equador, Marye Arendsman from the Netherlands, Peggy Shorney, and Juli Ruth; and Professor Ling Bing from Peking University.

ADJOURNMENT

At 12:02 p.m., on a motion by Mr. Conway, the Legislature adjourned until 9:00 a.m., Wednesday, February 26, 1992.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-THIRD DAY - FEBRUARY 26, 1992

LEGISLATIVE JOURNAL

NINETY-SECOND LEGISLATURE
SECOND SESSION

THIRTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 26, 1992

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Baack presiding.

PRAYER

The prayer was offered by Father John Elias, St. Mary's Eastern Orthodox Church, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Chambers, Haberman, Hall, Kristensen, Landis, Lindsay, Robinson, Warner, Wesely, and Withem who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-second day was approved.

STANDING COMMITTEE REPORT
Transportation

The Committee on Transportation desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Ritchie C. Richardson - Motor Vehicle Industry Licensing Board

VOTE: Aye: Senators Beyer, Byars, Kristensen, Peterson, Pirsch, Robak, and Wickersham. Nay: None. Absent: Senator Horgan.

(Signed) Doug Kristensen, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 1292 and 1293.

LB	Committee
1292	Business and Labor
1293	Business and Labor

(Signed) Jerome Warner, Chairperson
Legislative Council
Executive Board

UNANIMOUS CONSENT - Print in Journal

Mrs. Crosby asked unanimous consent to print the following amendment to LB 415 in the Journal. No objections. So ordered.

AM3128

(Amendments to Final Reading copy)

1. On page 3, lines 14, 15, and 19 through 22, reinstate the stricken matter; in line 19 strike the underscored period and insert an underscored comma; and in line 23 reinstate the stricken "of November, February, and May.".

EXPLANATION OF VOTE

Had I been present, I would have voted "no" on the motion to adopt the committee amendments to LB 1120.

(Signed) D. Paul Hartnett

UNANIMOUS CONSENT - Member Excused

Mr. Rogers asked unanimous consent to be excused until he returns. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 246. Read. Considered.

LR 246 was adopted with 25 ayes, 0 nays, and 24 not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 641.

A BILL FOR AN ACT relating to credit unions; to amend sections 21-1790 and 21-17,118, Reissue Revised Statutes of Nebraska, 1943, and section 76-1003, Revised Statutes Supplement, 1991; to create the Credit Union Act Fund; to eliminate a provision on security for loans; to allow credit unions to be trustees of trust deeds; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Ashford
Baack
Bernard-Stevens
Beyer
Bohlke
Byars
Chizek
Conway
Coordsen
Crosby
Cudaback
Dierks
Elmer
Haberman
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Johnson, R.
Labedz
Lamb
Landis
Lynch
Moore
Nelson
Peterson
Rasmussen
Robak
Robinson
Schellpeper
Schimek
Schmit
Schrock
Warner
Wehrbein
Wickersham
Will
Withem

Voting in the negative, 0.

Present and not voting, 3:

Beutler
Morrissey
Pirsch

Excused and not voting, 7:

Abboud
Chambers
Hall
Kristensen
Lindsay

Rogers
Wesely

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 722.

A BILL FOR AN ACT relating to telecommunications; to amend sections 49-1446.01, 49-1446.02, and 81-1120.27, Reissue Revised Statutes of Nebraska, 1943; to authorize the expenditure and transfer of funds for telephone and telefax machines for officeholders; to authorize the use of the state's telecommunications systems for essential personal business; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Ashford
Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Byars
Chizek
Conway
Coordsen
Crosby
Cudaback
Dierks
Elmer
Haberman
Hartnett
Hefner
Horgan
Johnson, L.
Johnson, R.
Labedz
Lamb
Landis
Lynch
Moore
Nelson
Peterson
Pirsch
Rasmussen
Robak
Robinson
Schellpeper
Schimek
Schmit
Schrock
Warner
Wehrbein
Wickersham
Will
Withem

Voting in the negative, 0.

Present and not voting, 2:

Hillman
Morrissey

Excused and not voting, 7:

Abboud
Chambers
Hall
Kristensen
Lindsay
Rogers
Wesely

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MR. CONWAY PRESIDING

MOTION - Place LB 1063 on General File

Mr. Baack renewed his pending motion, found in the Journal on page 948, to place LB 1063 on General File pursuant to Rule 3, Section 19(b).

Mr. Withem moved the previous question. The question is, "Shall the debate now close?" The motion lost with 13 ayes, 12 nays, and 24 not voting.

Mr. Morrissey moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Baack moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Lamb requested a record vote on the Baack motion to place LB 1063 on General File.

Voting in the affirmative, 33:

Abboud
Ashford
Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Byars
Chizek
Conway
Crosby
Cudaback
Hartnett
Hillman
Horgan
Kristensen
Labedz
Landis
Lindsay
Lynch
Moore
Morrissey
Nelson
Pirsch
Rasmussen
Robak
Schimek
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 13:

Coordsen
Dierks
Elmer
Hefner
Johnson, L.
Johnson, R.
Lamb
Peterson
Robinson
Rogers
Schellpeper
Schmit
Schrock

Present and not voting, 2:

Chambers
Haberman

Excused and not voting, 1:

Hall

The Baack motion prevailed with 33 ayes, 13 nays, 2 present and not voting, and 1 excused and not voting.

STANDING COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 1234. Placed on General File as amended.
Standing Committee amendment to LB 1234:
AM3074

1. On page 6, lines 9 through 21 and 23, strike the new matter and reinstate the stricken matter.
2. On page 10, line 2, after "revoked" insert "by the department".
3. On page 11, lines 2 through 4, strike the new matter and reinstate the stricken matter.
4. On page 13, strike beginning with "If" in line 17 through "(iii)" in line 21; and in line 23 strike "meet" and insert "submit".

LEGISLATIVE BILL 1076. Indefinitely postponed.
LEGISLATIVE BILL 1077. Indefinitely postponed.
LEGISLATIVE BILL 1078. Indefinitely postponed.
LEGISLATIVE BILL 1079. Indefinitely postponed.
LEGISLATIVE BILL 1080. Indefinitely postponed.

(Signed) Don Wesely, Chairperson

Nebraska Retirement Systems

LEGISLATIVE BILL 1196. Placed on General File as amended.
Standing Committee amendment to LB 1196:
AM3129

1. On page 22, strike lines 3 through 17 and insert the following new subsection:

"(2) No disability benefit payment shall be made except upon adequate proof furnished to the city, such proof to consist of a medical examination conducted by a competent, disinterested physician who is duly licensed to practice medicine and surgery in this state and who certifies to the city that the police officer is unable to perform the duties of a police officer. The city, during the first three years of the payment of such benefits, shall have the right, at reasonable times, to require the disabled police officer to undergo a medical examination at the city's expense to determine the continuance of the disability claimed. After such three-year period, the city may request the district court to order the police officer to submit proof of the continuance of the disability claimed if the city has reasonable grounds to believe the police officer is fraudulently receiving disability payments. The city shall have the right to demand a physical examination of the police officer by a competent, disinterested physician who is duly licensed to practice medicine and surgery in this state, and who is chosen by the city. The expense of such examination shall be borne by the city.".

2. On page 24, after line 4 insert the following new subsection:

"(6) If a police officer who has pensioned under this section is later determined to be no longer disabled during the first three years when disability benefit payments are being paid the police officer may return to duty with the police force under the following conditions:

(a) If a vacancy exists on the police force for which the police officer is qualified and the police officer wishes to return to the police force, the city shall hire the police officer to fill the vacancy at a pay grade of not less than his or her previous pay grade; or

(b) If no vacancy exists on the police force and the police officer wishes to return to the police force, the city may create a vacancy under the city's reduction in force policy adopted under the Civil Service Act and rehire the officer at a pay grade of not less than his or her previous pay grade.

The provisions of this subsection shall not apply to a police officer whose disability benefit payments are terminated because of fraud on the part of the police officer.".

3. On page 32, after line 21 insert the following new subsection:

"(4) A police officer whose benefit payment is adjusted by the retirement committee pursuant to subsection (3) of this section may request a review by the city council of the adjustment made by the retirement committee."; and in line 22 strike "(4)" and insert "(5)".

(Signed) Arlene Nelson, Chairperson

Urban Affairs

LEGISLATIVE BILL 1248. Placed on General File.
LEGISLATIVE BILL 1251. Placed on General File.

LEGISLATIVE BILL 1252. Placed on General File as amended.
Standing Committee amendment to LB 1252:
AM3121

1. Strike original section 6.

LEGISLATIVE BILL 1247. Indefinitely postponed.

(Signed) D. Paul Hartnett, Chairperson

MOTION - Place LB 1150 on General File

Mr. Lamb requested to pass over his pending motion, found in the Journal on page 1000, that LB 1150 be placed on General File.

The Chair declared the call raised.

SPEAKER BAACK PRESIDING

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 641 and 722.

GENERAL FILE

LEGISLATIVE BILL 1178. Title read. Considered.

Standing Committee amendment, AM2553, printed separately from the Journal and referred to on page 883, was considered.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Labedz, Messrs. Peterson, Schellpeper, Chizek, and Robinson asked unanimous consent to be excused. No objections. So ordered.

Pending.

UNANIMOUS CONSENT - Print in Journal

Messrs. Warner, Withem, and Landis asked unanimous consent to print the following amendment to LB 1063 in the Journal. No objections. So ordered.

(Amendment on file in the Clerk's Office - Room 2018 - AM3048.)

Mr. Wesely asked unanimous consent to print the following amendment to LB 678 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM2615.)

Mr. Moore asked unanimous consent to print the following amendment to LB 934 in the Journal. No objections. So ordered.

AM3058

1. Insert the following new sections:

"Sec. 10. That section 84-1503, Revised Statutes Supplement, 1991, be amended to read as follows:

84-1503. (1) It shall be the duty of the Public Employees Retirement Board:

(a) To administer the retirement systems provided for in the County Employees Retirement Act, the School Employees Retirement Act, the State Employees Retirement Act, and sections 24-701 to 24-714 and 81-2014 to 81-2036;

(b) To hire a director to administer the systems under direction of the board. The director shall not be a member of the board. Salaries of the director and his or her employees shall be set by the board;

(c) To provide for an equitable allocation of expenses among the retirement systems administered by the board, and all expenses shall be provided from the investment income earned by the various retirement funds unless alternative sources of funds to pay expenses are specified by law; and

(d) To administer the deferred compensation program authorized in section 84-1504.

(2) In administering the retirement systems listed in subdivision (1)(a) of this section, it shall be the duty of the board:

(a) With respect to the retirement systems for which the board invests funds, to use the services of the state investment officer or to select, on the basis of the most sound proposal or proposals received, after written notice of such proposition to all domestic companies, one or more life insurance companies, banks, trust companies, or investment managers authorized to do business in Nebraska to underwrite, serve as trustee, or manage investments for the retirement system and to enter into a contract or contracts with such company or companies in the name of the retirement system, except that if a bank, trust company, or investment manager is chosen as the primary carrier or investment manager, the funds shall be invested or reinvested in such securities and investments of the nature which individuals of prudence, discretion, and intelligence acquire or retain in dealing with the property of another, and if the life insurance company, bank, trust company, or investment manager has special skills or is named on the basis of representations of special skills or expertise, it is under a duty to use such skills;

(b) With respect to the retirement systems for which the board invests funds, to change underwriters, trustees, or investment managers if, in the judgment of the board, such action would be desirable. The cancellation notice may be given by telephone and shall be confirmed in writing within five days by the board or a designated person appointed by the board;

(c) To determine the prior service annuity, if any, for each person who is an employee of the county on the date of adoption of the retirement system;

(d) To determine the eligibility of an

individual to be a member of the retirement system and other questions of fact in the event of a dispute between an individual and the county board in his or her county;

(e) To adopt and promulgate rules and regulations for the management of the board;

(f) To keep a complete record of all proceedings taken at any meeting of the board; ~~and~~

(g) To employ such actuarial and other assistance as may be necessary in the performance of its duties. An actuary employed by the board shall be a member of the American Academy of Actuaries; and

(h) To direct the State Treasurer to transfer funds, as an expense of the retirement systems, to the Legislative Council Retirement Study Fund. Such transfer shall occur beginning on or after July 31, 1992, and at intervals of not less than ten years and not more than fifteen years and shall be in such amounts as the Legislature shall direct.

(3) The board and the Nebraska Investment Council shall jointly have an analysis made of the investment return that has been achieved on the assets of each retirement system administered by the board. Such analysis shall be prepared annually as of January 1. The analysis shall be prepared by an independent private organization which has demonstrated expertise to perform this type of analysis and which is unrelated to any organization offering investment advice or providing investment management services to the retirement system. The analysis may be waived jointly by the board and the council for any retirement system with assets of less than ten million dollars. A copy of the analysis shall be given to the board, the council, and the Nebraska Retirement Systems Committee.

Sec. 13. There is hereby created the Legislative Council Retirement Study Fund. The fund shall consist of money appropriated to it by the Legislature and transfers made pursuant to subdivision (2)(h) of section 84-1503. Money in the fund shall only be used for a comprehensive study of the retirement systems listed in subdivision (1)(a) of section 84-1503. Any money remaining in the fund eighteen months after the date of transfer shall be transferred by the State

Treasurer back to the retirement systems for credit to the various retirement funds. Any money in the Legislative Council Retirement Study Fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.".

2. On page 24, line 11, strike "and" and insert a comma and after the comma insert "and 84-1503,".

3. Renumber the remaining sections accordingly.

Mrs. Nelson asked unanimous consent to print the following amendment to LB 1057 in the Journal. No objections. So ordered.

AM3120

1. On page 5, line 15, strike "January" and insert "July".

Mr. Lynch asked unanimous consent to print the following amendment to LB 126 in the Journal. No objections. So ordered.

AM3119

(Amendments to Final Reading copy)

1. On page 1, line 4, strike "prohibit" and insert "change provisions relating to".

2. On page 3, strike lines 5 through 10 and insert:

"(4) An authority created pursuant to section 3-502 may pass, enforce, or maintain any ordinance, resolution, rule, or regulation imposing a fee on businesses engaged in the renting or leasing of automobiles or the operation of a parking lot with related services whether located on or off the premises maintained by, or under the jurisdiction and control of, such authority in order to defray costs of the operation and maintenance of the facilities of the authority and the retirement of its debt. Such fee may be charged by an authority if it is not excessive and is a fair approximation of the use of the airport and its facilities by such businesses.".

Mr. Moore asked unanimous consent to print the following amendment to LB 1063 in the Journal. No objections. So ordered.

AM3138

1. Insert the following new sections:

"Sec. 182. That section 77-4105, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-4105. (1) A taxpayer who has signed an agreement under section 77-4104 may elect to determine taxable income for purposes of the Nebraska income tax using the sales factor only. The election may be made for the year during which the application was filed and for each year thereafter through the eighth year after the end of the entitlement period. The election shall be made for the year of the election by computing taxable income using the sales factor only on the tax return.

(2) ~~A taxpayer who has signed an agreement under section 77-4104 shall receive the incentive provided in this subsection if the agreement contains one or more projects which together will result in the investment in qualified property of at least ten million dollars and the hiring of at least one hundred new employees. Such ten million dollar investment and hiring of at least one hundred new employees shall be considered a required level of investment and employment for this subsection and for the recapture of personal property tax only.~~

~~The following property used in connection with such project or projects and acquired by the taxpayer, whether by lease or purchase, after the date the application was filed shall constitute separate classes of personal property:~~

~~(a) Turbine-powered aircraft, including turboprop, turbojet, and turbofan aircraft, except when any such aircraft is used for fundraising for or for the transportation of an elected official;~~

~~(b) Mainframe business computers used for business information processing which require environmental controls of temperature and power and which are capable of simultaneously supporting more than one transaction and more than one user plus peripheral components which require environmental controls of temperature and power connected to such computers.~~

~~Computer peripheral components shall be limited to additional memory units, tape drives, disk drives, power supplies, cooling units, and communication controllers; and~~

~~(c) Personal property which is business equipment located in a single project if (i) the business equipment is involved directly in the manufacture or processing of agricultural products, (ii) the investment in the single project exceeds ten million dollars, and (iii) the use, value, and proper classification of the business equipment has been certified by the Tax Commissioner.~~

~~Such property shall be exempt from the tax on personal property from the first January 1 following the date of acquisition for property in subdivision (2)(a) of this section, or from the first January 1 following the end of the year during which the required levels were exceeded for property in subdivisions (2)(b) and (2)(c) of this section, through the sixteenth December 31 after the filing of the application.~~

~~(3)~~ When the taxpayer has met the required levels of employment and investment contained in the agreement, the taxpayer shall also be entitled to the following incentives:

(a) A refund of all sales and use taxes paid under the Nebraska Revenue Act of 1967 and the Local Option Revenue Act from the date of the application through the meeting of the required levels of employment and investment for all purchases, including rentals, of:

(i) Qualified property used as a part of the project;

(ii) Property, excluding motor vehicles, based in this state and used in both this state and another state in connection with the project except when any such property is to be used for fundraising for or for the transportation of an elected official;

(iii) Tangible personal property by the owner of the improvement to real estate that is incorporated into real estate as a part of a project; and

(iv) Tangible personal property by a contractor or repairperson after appointment as a purchasing agent of the owner of the improvement to real estate. The refund shall be based on fifty percent of the contract price, excluding any land, as the cost of materials subject to the sales and use tax; and

(b) A refund of the sales and use taxes paid under the Nebraska Revenue Act of 1967 and the Local Option Revenue Act on the types of purchases, including rentals, listed in subdivision (a) of this subsection for such taxes paid during each year of the entitlement period in which the taxpayer is at or above the required levels of employment and investment.

(3) ~~(4)~~ Any taxpayer who qualifies for the incentives contained in subsections (1) and ~~(3)~~ (2) of this section and who has added at least thirty new employees at the project shall also be entitled to:

(a) A credit equal to five percent of the amount by which the total compensation paid during the year to employees who are either Nebraska employees or base-year employees while employed at the project exceeds the average compensation paid at the project multiplied by the number of equivalent base-year employees.

For the computation of such credit, average compensation shall mean the total compensation paid at the project divided by the total number of equivalent employees at the project; and

(b) A credit equal to ten percent of the investment made in qualified property at the project.

The credits prescribed in subdivisions (a) and (b) of this subsection shall be allowable for compensation paid and investments made during each year of the entitlement period that the taxpayer is at or above the required levels of employment and investment.

The credit prescribed in subdivision (b) of this subsection shall also be allowable during the first year of the entitlement period for investment in qualified property at the project after the date of the application and before the required levels of employment and investment were met.

Sec. 183. That section 77-4107, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-4107. (1) If the taxpayer fails either to meet the required levels of employment or investment for the applicable project by the end of the sixth year after the end of the year the application was submitted for such project or to utilize such project in a qualified business at employment and investment levels at or above those required in the agreement for the entire entitlement period, all or a portion of the incentives set forth in the Employment and Investment Growth Act shall be recaptured or disallowed.

(2) The recapture or disallowance shall be as follows:

(a) In the case of a taxpayer who failed to meet the required levels within the required time period, ~~all reduction in the personal property tax because of the Employment and Investment Growth Act shall be recaptured and~~ any reduction in the corporate income tax arising solely because of an election under subsection (1) of section 77-4105 shall be deemed an underpayment of the income tax for the year in which the election was exercised and shall be immediately due and payable; and

(b) In the case of a taxpayer who has failed to maintain the project at the required levels of employment and investment for the entire entitlement period, ~~any reduction in the personal property tax,~~ any refunds in tax allowed under subdivision ~~(3)(a)~~ (2)(a) of section 77-4105, and any refunds or reduction in tax allowed because of the use of a credit allowed under subsection ~~(4)~~ (3) of section 77-4105 shall be partially recaptured from either the taxpayer or the owner of the improvement to real estate and any carryovers of credits shall be partially disallowed. One-seventh of the refunds~~, one-seventh of the reduction in personal property tax,~~ and one-seventh of the credits used shall be recaptured and one-seventh of the remaining carryovers ~~and the last remaining year of personal property tax exemption~~ shall be disallowed for each year the taxpayer did not maintain such project at or above the required levels of employment or investment.

(3) Any refunds or reduction in tax due, to the extent required to be recaptured, shall be deemed to be an underpayment of the tax and shall be immediately due and payable.

When tax benefits were received in more than one year, the tax benefits received in the most recent year shall be recovered first and then the benefits received in earlier years up to the extent of the required recapture.

(4) ~~Any personal property tax that would have been due except for the exemption allowed under the Employment and Investment Growth Act, to the extent it becomes due under this section, shall be considered an underpayment of such tax and shall be immediately due and payable to the county or counties in which the property was located when exempted. All amounts received by a county under this section shall be allocated to each taxing unit levying taxes on tangible personal property in the county in the same proportion that the levy on tangible personal property of such taxing unit bears to the total levy of all of such taxing units.~~

~~(5)~~ Notwithstanding any other limitations contained in the laws of this state, collections of any taxes deemed to be underpayments by this section shall be allowed for a period of ten years after the signing of the agreement or three years after the end of the entitlement period, whichever is later.

~~(6)~~ (5) Any amounts due under this section shall be recaptured notwithstanding other allowable credits and shall not be subsequently refunded under any provision of the Employment and Investment Growth Act unless the recapture was in error.

~~(7)~~ (6) The recapture required by this section shall not occur if the failure to maintain the required levels of employment or investment was caused by an act of God or national emergency.".

2. On page 79, strike lines 24 and 25 and show the old matter as stricken.

3. On page 80, strike line 1 and show as stricken.

4. Renumber the remaining sections and correct internal references accordingly and change the operative date and repealer sections so that sections 77-4105 and 77-4107 become operative on the effective date of LB 1063.

Mr. Lamb asked unanimous consent to print the following amendment to LB 1150 in the Journal. No objections. So ordered.

AM3131

1. Strike original sections 1, 10, 86 to 90, 96 to 105, 108, 110, and 111 and insert the following new sections:

"Sec. 84. That section 77-2701, Revised Statutes Supplement, 1991, as amended by section 3, Legislative Bill 871, Ninety-second Legislature, Second Session, 1992, be amended to read as follows:

77-2701. Sections 77-2701 to 77-27,135 and sections 4 to 24 and 26 to 59 of this act and section 86 of this act shall be known and may be cited as the Nebraska Revenue Act of 1967.

Sec. 85. That section 10, Legislative Bill 871, Ninety-second Legislature, Second Session, 1992, be amended to read as follows:

Sec. 10. Occasional sale shall mean:

(1) A sale of tangible personal property which is the subject of any intercompany sale or transfer involving any parent, subsidiary, or brother-sister company relationship under section 55 of this act and which was either originally acquired prior to June 1, 1967, or, if acquired thereafter, the seller or transferor directly or indirectly has previously paid a sales or use tax thereon, including:

(a) From one corporation to another corporation pursuant to a reorganization. For purposes of this subdivision, reorganization shall mean a statutory merger or consolidation or the acquisition by a corporation of substantially all of the properties of another corporation when the consideration is solely all or a part of the voting stock of the acquiring corporation or of its parent or subsidiary corporation;

(b) In connection with the winding up, dissolution, or liquidation of a corporation only when there is a distribution of the property of such corporation to the shareholders in kind if the portion of the property so distributed to the shareholder is substantially in proportion to the share of stock or securities held by the shareholder;

(c) To a corporation for the purpose of organization of such corporation or the contribution of additional capital to such corporation when the former owners of the property transferred are immediately after the transfer in control of the corporation and the stock or securities received by each is substantially in proportion to his or her interest in the property prior to the transfer;

(d) To a partnership in the organization of such partnership if the former owners of the property transferred are immediately after the transfer members of such partnership and the interest in the partnership received by each is substantially in proportion to his or her interest in the property prior to the transfer; or

(e) From a partnership to the members thereof when made in kind in the dissolution of such partnership if the portion of the property so distributed to the members of the partnership is substantially in proportion to the interest in the partnership held by the members;

(2) A sale of tangible personal property consisting of household goods and personal effects if each of the following conditions is met and if any one condition is not met then the entire gross receipts shall be subject to the tax imposed by section 77-2703:

(a) Such sales are by an individual at his or her residence or if more than one individual's property is involved such sales are by one of the individuals involved at the residence of one of the individuals;

(b) Such sales do not occur at any residence for more than three days during a calendar year;

(c) Such individual or individuals or any member of any of their households does not conduct or engage in a trade or business in which similar items are sold;

(d) Such property sold was originally acquired for and used for personal use; and

(e) Such property is not otherwise excepted from the definition of occasional sale;

(3) Commencing with any transaction occurring on or after October 1, 1985, any sale of business ~~or farm~~ machinery and equipment if each of the following conditions is met and if any one condition is not met the entire gross receipts shall be subject to the tax imposed by section 77-2703:

(a) Such machinery or equipment was used by the seller or seller's predecessor in a sale described in subdivision (1) of this section as a depreciable capital asset in connection with the ~~farm or~~ business for a period of at least one year;

(b) Such property was originally acquired prior to June 1, 1967, or if acquired thereafter, the seller or seller's predecessor in a sale described in subdivision (1) of this section directly or indirectly has previously paid a sales or use tax thereon; and

(c) Such property is not otherwise excepted from the definition of occasional sale;

(4) Commencing October 1, 1985, a sale of tangible personal property by an organization created exclusively for religious purposes or an agent of the organization for such sale if each of the following conditions is met and if any one condition is not met then the entire gross receipts shall be subject to the tax imposed by section 77-2703:

(a) All sales occur during an activity conducted by such organization or, if more than one organization is involved, by one of the organizations owning property being sold;

(b) The organization only sells property it owns during one such activity in a calendar year; and

(c) The activity does not last longer than three consecutive days; and

(5) Any sale of tangible personal property that is made in connection with the sale to a single buyer of all or substantially all of the tangible personal property of a trade or business if the seller or seller's predecessor in a sale described in subdivision (1) of this section directly or indirectly has previously paid a sales or use tax thereon. This subdivision shall apply to any transaction occurring on or after October 1, 1985.

Commencing October 1, 1985, occasional sale shall not include any sale of tangible personal property directly by or any sale which is supervised or aided by an auctioneer or an agent or employee of an auctioneer.

Except for a sale listed in subdivision (1) of this section, an occasional sale shall not mean any sale of motor vehicles, trailers, and semitrailers as defined in section 60-301.

Sec. 86. Sales and used taxes shall not be imposed on the gross receipts from the sale, lease, or rental of and storage, use, or other consumption in this state of new or used farm machinery and farm equipment.

Sec. 94. Sections 1 to 83, 88 to 91, and 97 of this act shall become operative on January 1, 1992. Sections 84 to 86 and 95 of this act shall become operative on October 1, 1992. The other sections of this act shall become operative on their effective date.

Sec. 95. That original section 77-2701, Revised Statutes Supplement, 1991, as amended by section 3, Legislative Bill 871, Ninety-second Legislature, Second Session, 1992, and section 10, Legislative Bill 871, Ninety-second Legislature, Second Session, 1992, are repealed.

Sec. 96. That original section 77-27,136, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

2. On page 198, strike beginning with "Wherever" in line 22 through "accordingly" in line 25 and insert "It is the intent of the Legislature that the phrase except intangible property be deleted and any punctuation deleted or adjusted accordingly in the following sections".

3. On page 199, after line 20 insert the following new paragraph:

"The Revisor of Statutes shall prepare legislation for introduction in the next regular session of the Legislature to carry out the intent of this section."; and strike beginning with "Wherever" in line 21 through "taxable" in line 23 and insert "It is the intent of the Legislature that the word taxable be substituted for the word actual in the following sections".

4. On page 201, after line 3 insert the following new paragraph:

"The Revisor of Statutes shall prepare legislation for introduction in the next regular session of the Legislature to carry out the intent of this section.".

5. Renumber the remaining sections and correct internal references accordingly.

Mr. R. Johnson asked unanimous consent to print the following amendment to LB 1063 in the Journal. No objections. So ordered.

AM3097

1. Insert the following new sections:

"Sec. 173. That section 77-2701, Revised Statutes Supplement, 1991, as amended by section 3, Legislative Bill 871, Ninety-second Legislature, Second Session, 1992, be amended to read as follows:

77-2701. Sections 77-2701 to 77-27,135 and sections 4 to 24 and 26 to 59 of this act and section 174 of this act shall be known and may be cited as the Nebraska Revenue Act of 1967.

Sec. 174. Sales and use taxes shall not be imposed on the gross receipts from the sale, lease, or rental of and the storage, use, or other consumption in this state of new farm machinery and equipment.

Sec. 203. That original section 77-2701, Revised Statutes Supplement, 1991, as amended by section 3, Legislative Bill 871, Ninety-second Legislature, Second Session, 1992, is repealed.".

2. Renumber the remaining sections and correct internal references accordingly.

3. Correct the operative date provision so that the sections added by this amendment become operative on October 1, 1992.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1278A. Introduced by Rasmussen, 20.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1278, Ninety-second Legislature, Second Session, 1992.

LEGISLATIVE BILL 1099A. Introduced by Withem, 14.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1099, Ninety-second Legislature, Second Session, 1992.

LEGISLATIVE BILL 987A. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 987, Ninety-second Legislature, Second Session, 1992.

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 26, 1992, at 11:55 a.m., were the following bills: 641 and 722.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

STANDING COMMITTEE REPORTS
General Affairs

LEGISLATIVE BILL 1267. Placed on General File.

LEGISLATIVE BILL 939. Placed on General File as amended.
Standing Committee amendment to LB 939:
AM2695

1. On page 2, line 20, after the period insert "The issuance of a license under this subsection shall be subject to the consent of the local governing body having jurisdiction over the site for which the license is requested as provided in the Nebraska Liquor Control Act.".

(Signed) Stan Schellpeper, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 247. Introduced by Crosby, 29.

WHEREAS, Mrs. Breta Peterson Dow demonstrated a long and outstanding record of public service to the State of Nebraska, including Chairperson of the Nebraska State Advisory Committee on Civil Rights in 1962, an officer of the Lincoln-Lancaster County Child Guidance Center in the 1950's, President of the Nebraska Arts Association in late 1960's, President of the Lincoln Chamber of Commerce Women's Board from

1942-1943, President of the Lincoln City Library Board in 1956, and President of the City Library Foundation in 1965; and

WHEREAS, Mrs. Dow distinguished herself as a pioneer of women in leadership positions by being elected the first woman on the Lincoln City Council in 1945 and the third woman in the United States to be appointed to faculty rank at a major law school; and

WHEREAS, Mrs. Dow represented the type of citizen and community leader that is desirable and appreciated by the State of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That Mrs. Breta Peterson Dow be recognized and honored as having been an outstanding civic and community leader and citizen of the State of Nebraska.

2. That a copy of this resolution be sent to Mrs. Breta Peterson Dow's daughter, Molly Spinar, of Lincoln.

Laid over.

STANDING COMMITTEE REPORT
Education

The Committee on Education desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Nebraska Safety Council
Clayton Andrews
Rollin Schneider
Duane Schmidt
Larry Morris
Dr. James L. Manion
David Stubbs
Frank Rauner

VOTE: Aye: Senators Withem, Dierks, Warner, Schrock, Chizek, Beutler, and Lamb. Nay: none. Absent: Senator Nelson.

Coordinating Commission for Postsecondary Education
Barbara Marcy
Janice Carlson
John Emery
Dick Davis

VOTE: Aye: Senators Withem, Dierks, Warner, Nelson, Schrock, Chizek, Beutler, and Lamb. Nay: none. Absent: none.

(Signed) Ron Withem, Chairperson

VISITORS

Visitors to the Chamber were Tom Tipton from Chester; John Moore and Dennis Schroeder from Beatrice, and Gordon Michaelis from Wymore; Edward and Shirley Morrow from Tekamah; and Chris Duster.

The Doctor of the Day was D. C. Weldon from Beatrice.

ADJOURNMENT

At 12:06 p.m., on a motion by Mr. Bernard-Stevens, the Legislature adjourned until 9:00 a.m., Thursday, February 27, 1992.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-FOURTH DAY - FEBRUARY 27, 1992

LEGISLATIVE JOURNAL

THIRTY-FOURTH DAY - FEBRUARY 27, 1992

LEGISLATIVE JOURNAL

NINETY-SECOND LEGISLATURE
SECOND SESSION

THIRTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 27, 1992

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Baack presiding.

PRAYER

The prayer was offered by Pastor Jim Tuttle, Church of Christ, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Horgan who was excused; and Messrs. Abboud, Chambers, Chizek, Coordsen, R. Johnson, Morrissey, Schmit, Mmes. Bohlke, Pirsch, and Rasmussen who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1024, line 29, strike "Robert" and insert "James L.".
The Journal for the thirty-third day was approved as corrected.

MESSAGE FROM THE GOVERNOR

February 26, 1992

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 28, 169, 274, 275, and 275A were received in my office on February 25, 1992.

These bills were signed by me on February 26, 1992, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of February 26, 1992. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Cline, Williams, Wright, Johnson & Oldfather	
Campbell, Mary M.- Lincoln	Waste Management of North America, Mid-West Region
Baird, Holm Law Offices	
Bredthauer, Trudy Saunders - Omaha	Cable U.S.A. Inc (Withdrawn 12/31/92)
DeCamp Legal Services, P.C.	
DeCamp, John - Lincoln	Blue Earth Corporation (Withdrawn 1/31/91)
DeLair, Dianne - Kearney	University of Nebraska-Kearney
Erickson & Sederstrom	
Thone, Charles - Lincoln	DeHart & Darr Associates, Inc.
	Nebraska Florist Society (Withdrawn 2/20/92)
Moors, H. Jack - Lincoln	Ciba-Geigy Corporation
Nichols, Clark G. - Scottsbluff	Panhandle Credit & Collections, Inc.
Radcliffe & Associates	
Radcliffe, Walter H. - Lincoln	Waste Management of North America, Mid-West Region
Wood, Alan M. - Lincoln (Withdrawn 12/01/91)	Nebraska Manufacturing Housing Association

NOTICE OF COMMITTEE HEARING
Business and Labor

LB 1292	Tuesday, March 10, 1992	12:00 Noon
LB 1293	Tuesday, March 10, 1992	12:00 Noon

(Signed) George Coordsen, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 887 in the Journal. No objections. So ordered.

AM3026

1. Insert the following new section:

"Section 1. That section 13-514, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

13-514. The Nebraska Budget Act shall not apply to county agricultural societies with an annual budget of less than fifty thousand dollars, ~~or~~ irrigation districts organized under sections 46-101 to 46-128, or a public power district, public irrigation district, or public power and irrigation district organized under Chapter 70.".

2. On page 4, line 24, strike "70-623" and insert "13-514, 70-623,".

3. Renumber the remaining sections accordingly.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 246.

RESOLUTIONS

LEGISLATIVE RESOLUTION 248. Introduced by Withem, 14.

WHEREAS, the Papillion-LaVista High School academic decathlon team defeated nine other finalists in winning the eighth annual Nebraska Academic Decathlon; and

WHEREAS, Papillion-LaVista High School will represent Nebraska in the National Academic Decathlon April 10-11, 1992, in Boise, Idaho; and

WHEREAS, these students have demonstrated academic excellence in math, social sciences, fine arts, speech, language, economics, physical science, and literature; and

WHEREAS, the winning of the 1992 Nebraska Academic Decathlon demonstrates the commitment of these fine students to academic excellence, cooperation as a team, and long hours of diligent effort in achieving their goal; and

WHEREAS, such academic excellence and commitment is deserving of statewide recognition.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Papillion-LaVista academic decathlon team be congratulated for their outstanding efforts this year and for winning the eighth annual Nebraska Academic Decathlon.

2. That a copy of this resolution be sent to Coach Larry Slie, Coach Paul Kunes, and the Papillion-LaVista High School academic decathlon team.

Laid over.

LEGISLATIVE RESOLUTION 247. Read. Considered.

LR 247 was adopted with 32 ayes, 0 nays, and 17 not voting.

MOTION - Approve Appointments

Mr. Kristensen moved the adoption of the report of the Transportation Committee for the following Governor appointment found in the Journal on page 1001: Ritchie C. Richardson - Motor Vehicle Industry Licensing Board.

Voting in the affirmative, 30:

Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Byars
Coordsen
Crosby
Cudaback
Dierks
Elmer
Hall
Hefner
Hillman
Johnson, L.
Kristensen
Lamb
Lynch
Moore
Nelson
Peterson
Schellpeper
Schimek
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 0.

Present and not voting, 11:

Ashford
Chizek
Conway
Haberman
Hartnett
Labedz
Landis
Lindsay
Robak
Robinson
Rogers

Excused and not voting, 8:

Abboud
Chambers
Horgan
Johnson, R.
Morrissey
Pirsch
Rasmussen
Schmit

The appointment was confirmed with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

Mr. Withem moved the adoption of the report of the Education Committee for the following Governor appointments found in the Journal on page 1024: Clayton Andrews, Rollin Schneider, Duane Schmidt, Larry Morris, Dr. James L. Manion, David Stubbs, and Frank Rauner - Nebraska Safety Council; and Barbara Marcy, Janice Carlson, John Emery, and Dick Davis - Coordinating Commission for Postsecondary Education.

Voting in the affirmative, 27:

Baack
Beutler
Beyer
Bohlke
Byars
Chizek
Conway
Crosby
Cudaback
Dierks
Elmer
Hall
Hefner
Hillman
Johnson, L.
Landis
Moore
Nelson
Peterson
Schellpeper
Schimek
Schrock
Warner
Wehrbein
Wesely
Wickersham
Withem

Voting in the negative, 0.

Present and not voting, 14:

Ashford
Bernard-Stevens
Coordsen
Haberman
Hartnett
Kristensen
Labedz
Lamb
Lindsay
Lynch
Robak
Robinson
Rogers
Will

Excused and not voting, 8:

Abboud
Chambers
Horgan
Johnson, R.
Morrissey
Pirsch
Rasmussen
Schmit

These appointments were confirmed with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 677A. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 734A. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 907.

A BILL FOR AN ACT relating to minors; to amend sections 9-823 and 30-2209, Reissue Revised Statutes of Nebraska, 1943, and section 33-126.02, Revised Statutes Supplement, 1990; to adopt the Nebraska Uniform Transfers to Minors Act; to redefine a term; to provide fees; to harmonize provisions; to eliminate provisions relating to gifts and bequests to minors; to provide severability; and to repeal the original sections, and also sections 43-2201 to 43-2210 and 43-2301 to 43-2305, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Ashford
Baack
Bernard-Stevens
Beyer
Bohlke
Byars
Chizek
Conway
Coordsen
Crosby
Cudaback
Dierks
Elmer
Haberman
Hall
Hartnett
Hefner
Hillman
Johnson, L.
Johnson, R.
Kristensen
Labedz
Lamb
Landis
Lindsay
Lynch
Moore
Nelson
Peterson

Pirsch
Rasmussen
Robak
Robinson
Rogers
Schellpeper
Schimek
Schmit
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 0.

Present and not voting, 1:

Beutler

Excused and not voting, 4:

Abboud
Chambers
Horgan
Morrissey

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 921.

A BILL FOR AN ACT relating to community colleges; to amend section 79-2637, Revised Statutes Supplement, 1991; to redefine the terms full-time equivalent student and credit hour; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Ashford
Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Byars
Chizek
Conway
Coordsen
Crosby
Cudaback
Dierks
Elmer
Haberman
Hall
Hartnett
Hefner
Hillman
Johnson, L.
Johnson, R.
Kristensen
Labedz
Lamb
Landis
Lindsay
Lynch
Moore
Morrissey
Nelson
Peterson
Pirsch
Rasmussen
Robak
Robinson
Rogers
Schellpeper
Schimek
Schmit
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 0.

Excused and not voting, 3:

Abboud Chambers Horgan

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

UNANIMOUS CONSENT - **Print in Journal**

Mr. Beutler asked unanimous consent to print the following amendment to LB 306 in the Journal. No objections. So ordered.

AM3157

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. The Legislature recognizes that water is one of Nebraska's most valuable natural resources and that the management, conservation, and beneficial use of ground water and surface water are essential to the continued economic prosperity and well-being of the state. The Legislature acknowledges that an integrated ground water and surface water management system is needed in order to optimize use of interrelated ground and surface waters upon which public water suppliers depend for water supply. It is the intent of the Legislature that public water suppliers with well fields dependent upon induced recharge may make application for instream appropriations under sections 46-2,107 to 46-2,119.

Sec. 2. That section 46-202, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-202. (1) The water of every natural stream not heretofore appropriated within the State of Nebraska, including the Missouri River, is hereby declared to be the property of the public and is dedicated to the use of the people of the state, subject to appropriation.

(2) The water of every natural stream within the State of Nebraska, including the Missouri River, appropriated for storage in a surface reservoir or for underground water storage, is hereby declared to be

subject to further appropriation for recovery and beneficial use.

(3) The water of every natural stream and hydrologically connected ground water within the State of Nebraska, including the Missouri River, is hereby declared to be subject to appropriation for beneficial use, including induced ground water recharge, by public water suppliers.

Sec. 3. That section 46-288, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-288. For purposes of ~~sections 46-288 and 46-289, unless the context otherwise requires, the following definitions shall be used~~ this section and section 46-289:

(1) Basin of origin shall mean the river basin in which the point or proposed point of diversion of water is located;

(2) Beneficial use shall include, but not be limited to, reasonable and efficient use of water for domestic, municipal, agricultural, industrial, commercial, power production, subirrigation, fish and wildlife, ground water recharge, an interstate compact, water quality maintenance, or recreational purposes. Nothing in this subdivision shall be construed to affect the preferences for use of surface water as provided in section 46-204;

(3) Interbasin transfer shall mean the diversion of water in one river basin and the transportation of such water to another river basin for storage or utilization for a beneficial use except any transfers made by a public water supplier as defined in section 46-638 associated with an instream appropriation or pursuant to a permit issued under section 46-642; and

(4) River basin shall mean any of the following natural hydrologic basins of the state, with delineations being those on the Nebraska river basin map officially adopted by the Nebraska Natural Resources Commission and on file in the commission's office on August 30, 1981: (a) The White River and Hat Creek basin; (b) the Niobrara River basin; (c) the Platte River basin, including the North Platte and South Platte River basins, except that for purposes of transfer

between the North and South Platte River basins each shall be considered a separate river basin; (d) the Loup River basin; (e) the Elkhorn River basin; (f) the Republican River basin; (g) the Little Blue River basin; (h) the Big Blue River basin; (i) the Nemaha River basin; and (j) the Missouri tributaries basin.

Sec. 4. That section 46-2,107, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-2,107. The Legislature finds that the maintenance, conservation, management, storage, and timely release of the waters of the natural streams within the State of Nebraska are in the public interest and are practices essential to the well-being of present and future generations. In furtherance of these practices, the public interest demands the recognition of instream uses for ~~fish,~~ recreation, public water supply through induced ground water recharge, and fish and wildlife. The Legislature also finds that proposals for future water development should fully consider multiple uses, including instream flows whether from natural flow or from reservoir releases, and recognizes the positive impact of impoundments which can provide significant instream flow benefits.

Sec. 5. That section 46-2,108, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-2,108. As used in sections 46-2,107 to 46-2,119, ~~unless the context otherwise requires,~~ instream appropriation shall mean the undiverted application of the waters of a natural stream within or bordering upon the state for recreation, public water supply through induced ground water recharge, or fish and wildlife. ~~purposes.~~ An instream appropriation may be obtained only by the Game and Parks Commission, ~~or~~ a natural resources district, or a public water supplier as defined in section 46-638 and only for that amount of water reasonably necessary for ~~recreation or fish and wildlife~~ such use. The instream use of water for recreation, public water supply through induced ground water recharge, or fish and wildlife shall be considered a beneficial use of water.

Sec. 6. That section 46-2,109, Reissue

Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-2,109. Each natural resources district, each public water supplier, and the Game and Parks Commission shall conduct studies to identify specific stream segments which the district, supplier, or commission considers to have a critical need for instream flows. Such studies shall quantify the instream flow needs in the identified stream segments. Any district, any supplier, or the Game and Parks Commission may request the assistance of the Conservation and Survey Division of the University of Nebraska, the Nebraska Natural Resources Commission, the Game and Parks Commission, the Department of Environmental Control, the Department of Water Resources, or any other state agency in order to comply with this section.

Sec. 7. That section 46-2,110, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-2,110. Following notice and a public hearing, any natural resources district, any public water supplier, or the Game and Parks Commission may file with the Director of Water Resources an application for a permit to appropriate water for instream flows in each stream segment identified pursuant to section 46-2,109. The application shall include the locations on the stream at which the need for instream flows begins and ends and the time of year when instream flows are most critical. The application shall also provide a detailed description of the amount of water necessary to provide adequate instream flows.

Sec. 8. That section 46-2,115, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-2,115. An application for an instream appropriation shall be approved by the Director of Water Resources if he or she finds that:

(1) There is unappropriated water available to provide for the instream appropriation;

(2) The appropriation is necessary to maintain the instream use or uses for which the appropriation has been requested;

(3) The appropriation will not interfere with any senior surface water appropriation;

(4) The rate and timing of the flow is the ~~minimum~~ amount reasonably necessary to maintain the instream use or uses for which the appropriation has been requested; and

(5) The application is in the public interest.

The application may be granted for a rate of flow that is less than that requested by the applicant or for a shorter period of time than requested by the applicant.

The director shall assign as the priority date for the instream appropriation the date of the application. For public water supply facilities in existence on the effective date of this act, the appropriation priority shall date from installation of the well, subsurface collector, or group of wells or subsurface collectors if such well, collector, or group was constructed at different times. When determining the priority date, the director shall determine whether the date applies to an individual well, a collector, or a group.

Sec. 9. That section 46-2,116, Revised Statutes Supplement, 1991, be amended to read as follows:

46-2,116. In determining whether an application for an instream appropriation is in the public interest, the director's considerations shall include, but not be limited to, the ~~director shall consider the following factors:~~

~~(1) The~~ economic, social, and environmental value of the instream use or uses including, but not limited to, recreation, fish and wildlife, public water supply, induced recharge for municipal water systems, and water quality maintenance. ~~; and~~

~~(2) The economic, social, and environmental value of reasonably foreseeable alternative out-of-stream uses of water that will be foregone or accorded junior status if the appropriation is granted.~~

Sec. 10. That original sections 46-202, 46-288, 46-2,107 to 46-2,110, and 46-2,115, Reissue Revised Statutes of Nebraska, 1943, and section 46-2,116, Revised Statutes Supplement, 1991, are repealed.".

UNANIMOUS CONSENT - Add Cointroducers

Messrs. Landis, Wickersham, and Ms. Schimek asked unanimous consent to have their names added as cointroducers to LR 247. No objections. So ordered.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 907 and 921.

GENERAL FILE

LEGISLATIVE BILL 1120. Mr. Ashford offered the following amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM3109.)

Mr. Ashford offered the following amendment to his pending amendment:
AM3123

(Amendments to AM3109)

1. On page 200, line 14, before "motor" insert "farm or business".

MR. CONWAY PRESIDING

SPEAKER BAACK PRESIDING

Mr. Hall moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The Ashford amendment was adopted with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

Mr. Hall requested a division of the question on the Ashford pending amendment, as amended.

The Chair sustained the division of the question.

The first Ashford amendment is as follows:
FA278

Sec. 183. Sales and use taxes shall not be imposed on the gross receipts from the sale, lease, or rental of and the storage, use, or other consumption in this state of business or farm machinery and equipment.

Pending.

STANDING COMMITTEE REPORTS

Nebraska Retirement Systems

LEGISLATIVE BILL 1108. Placed on General File as amended.
Standing Committee amendment to LB 1108:
AM3086

1. On page 5, strike lines 16 through 21 and insert the following new subsection:

"(5) A one-time cost-of-living adjustment shall be made for each retired judge and each surviving beneficiary who is receiving a retirement annuity as provided for in this section. The annuity shall be adjusted by the increase in the cost of living or wage levels between the effective date of retirement and June 30, 1992, except that such increases shall not exceed three percent per year of retirement and the total increase shall not exceed two hundred fifty dollars per month.".

(Signed) Arlene Nelson, Chairperson

Revenue

LEGISLATIVE BILL 955. Indefinitely postponed.
LEGISLATIVE BILL 956. Indefinitely postponed.
LEGISLATIVE BILL 1158. Indefinitely postponed.
LEGISLATIVE BILL 1180. Indefinitely postponed.
LEGISLATIVE BILL 1186. Indefinitely postponed.
LEGISLATIVE BILL 1202. Indefinitely postponed.
LEGISLATIVE BILL 1204. Indefinitely postponed.
LEGISLATIVE BILL 1218. Indefinitely postponed.
LEGISLATIVE BILL 1271. Indefinitely postponed.

(Signed) Tim Hall, Chairperson

Natural Resources

LEGISLATIVE BILL 1257. Placed on General File as amended. (Standing Committee amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM3060.)

(Signed) Rod Johnson, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 470 in the Journal. No objections. So ordered.

(Amendment on file in the Clerk's Office - Room 2018 - AM3142.)

Mr. Hefner asked unanimous consent to print the following amendment to LB 1063 in the Journal. No objections. So ordered.

AM3158

1. Strike original sections 73 to 76.

2. On page 79, line 2, after "(4)" insert "Livestock shall be exempt from property tax. (5)"; in line 15 strike "(5)" and insert "(6)"; and in line 24 strike "(6)" and insert "(7)".

3. On page 104, line 10, strike "livestock,".

4. Renumber remaining sections and correct internal references accordingly.

Mr. Hall asked unanimous consent to print the following amendment to LB 1063 in the Journal. No objections. So ordered.

FA280

Amend AM3048

1. On page 78, strike lines 19 and 20 and insert "exempt from taxation"

2. On page 82, beginning on line 8 insert the following "(7) If a Constitutional amendment amending Article VIII of the Constitution of Nebraska is not adopted in 1992, personal property except motor vehicles required to be registered under sections 60-301 to 60-347 and which are not inventory held by a licensed dealer shall be exempt from property taxation."

3. Strike sections 76 through 88 and 92

Mr. Hall asked unanimous consent to print the following amendment to LB 1063 in the Journal. No objections. So ordered.

FA281

Amend AM3048

1. On page 78, line 13, after "at" insert "one hundred-fifty percent of"

Mr. Hall asked unanimous consent to print the following amendment to LB 1063 in the Journal. No objections. So ordered.

FA282

Amend AM3048

1. On page 78, Line 8, after the comma, insert "except farm machinery" on line 13 after "at" insert "one hundred fifty percent of", and after line 14 insert the following:

(b) If a constitutional amendment amending Article VIII of the Constitution of Nebraska is adopted in 1992, farm machinery shall constitute a separate and distinct class of property for purposes of property taxation, shall be subject to taxation, unless expressly exempt from taxation, and shall be valued at its net book value."

and on line 15, strike "(b)" and insert "(c)"

Mr. Lamb asked unanimous consent to print the following amendment to LB 1063 in the Journal. No objections. So ordered.

AM3151

1. Strike original sections 73 to 76 and insert the following new sections:

"Sec. 170. That section 77-2701, Revised Statutes Supplement, 1991, as amended by section 3, Legislative Bill 871, Ninety-second Legislature, Second Session, 1992, be amended to read as follows:

77-2701. Sections 77-2701 to 77-27,135 and sections 4 to 24 and 26 to 59 of this act and section 172 of this act shall be known and may be cited as the Nebraska Revenue Act of 1967.

Sec. 171. That section 10, Legislative Bill 871, Ninety-second Legislature, Second Session, 1992, be amended to read as follows:

Sec. 10. Occasional sale shall mean:

(1) A sale of tangible personal property which is the subject of any intercompany sale or transfer involving any parent, subsidiary, or brother-sister company relationship under section 55 of this act and which was either originally acquired prior to June 1, 1967, or, if acquired thereafter, the seller or

transferor directly or indirectly has previously paid a sales or use tax thereon, including:

(a) From one corporation to another corporation pursuant to a reorganization. For purposes of this subdivision, reorganization shall mean a statutory merger or consolidation or the acquisition by a corporation of substantially all of the properties of another corporation when the consideration is solely all or a part of the voting stock of the acquiring corporation or of its parent or subsidiary corporation;

(b) In connection with the winding up, dissolution, or liquidation of a corporation only when there is a distribution of the property of such corporation to the shareholders in kind if the portion of the property so distributed to the shareholder is substantially in proportion to the share of stock or securities held by the shareholder;

(c) To a corporation for the purpose of organization of such corporation or the contribution of additional capital to such corporation when the former owners of the property transferred are immediately after the transfer in control of the corporation and the stock or securities received by each is substantially in proportion to his or her interest in the property prior to the transfer;

(d) To a partnership in the organization of such partnership if the former owners of the property transferred are immediately after the transfer members of such partnership and the interest in the partnership received by each is substantially in proportion to his or her interest in the property prior to the transfer; or

(e) From a partnership to the members thereof when made in kind in the dissolution of such partnership if the portion of the property so distributed to the members of the partnership is substantially in proportion to the interest in the partnership held by the members;

(2) A sale of tangible personal property consisting of household goods and personal effects if each of the following conditions is met and if any one condition is not met then the entire gross receipts shall be subject to the tax imposed by section 77-2703:

(a) Such sales are by an individual at his or her residence or if more than one individual's property is involved such sales are by one of the individuals involved at the residence of one of the individuals;

(b) Such sales do not occur at any residence for more than three days during a calendar year;

(c) Such individual or individuals or any member of any of their households does not conduct or engage in a trade or business in which similar items are sold;

(d) Such property sold was originally acquired for and used for personal use; and

(e) Such property is not otherwise excepted from the definition of occasional sale;

(3) Commencing with any transaction occurring on or after October 1, 1985, any sale of business ~~or farm~~ machinery and equipment if each of the following conditions is met and if any one condition is not met the entire gross receipts shall be subject to the tax imposed by section 77-2703:

(a) Such machinery or equipment was used by the seller or seller's predecessor in a sale described in subdivision (1) of this section as a depreciable capital asset in connection with the ~~farm or~~ business for a period of at least one year;

(b) Such property was originally acquired prior to June 1, 1967, or if acquired thereafter, the seller or seller's predecessor in a sale described in subdivision (1) of this section directly or indirectly has previously paid a sales or use tax thereon; and

(c) Such property is not otherwise excepted from the definition of occasional sale;

(4) Commencing October 1, 1985, a sale of tangible personal property by an organization created exclusively for religious purposes or an agent of the organization for such sale if each of the following conditions is met and if any one condition is not met then the entire gross receipts shall be subject to the tax imposed by section 77-2703:

(a) All sales occur during an activity conducted by such organization or, if more than one organization is involved, by one of the organizations owning property being sold;

(b) The organization only sells property it owns during one such activity in a calendar year; and

(c) The activity does not last longer than three consecutive days; and

(5) Any sale of tangible personal property that is made in connection with the sale to a single buyer of all or substantially all of the tangible personal property of a trade or business if the seller or seller's predecessor in a sale described in subdivision (1) of this section directly or indirectly has previously paid a sales or use tax thereon. This subdivision shall apply to any transaction occurring on or after October 1, 1985.

Commencing October 1, 1985, occasional sale shall not include any sale of tangible personal property directly by or any sale which is supervised or aided by an auctioneer or an agent or employee of an auctioneer.

Except for a sale listed in subdivision (1) of this section, an occasional sale shall not mean any sale of motor vehicles, trailers, and semitrailers as defined in section 60-301.

Sec. 172. Sales and use taxes shall not be imposed on the gross receipts from the sale, lease, or rental of and storage, use, or other consumption in this state of new or used farm machinery and farm equipment.

Sec. 173. That section 77-27,136, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-27,136. Beginning in fiscal year 1982-83 and for each fiscal year thereafter, the Legislature shall appropriate ~~seventeen~~ ten million nine hundred thousand dollars of all funds collected by a general sales tax and income tax for aid to incorporated municipalities, ~~seventeen million~~ eight million one hundred thousand dollars for aid to counties, and seven hundred thousand dollars for aid to natural resources districts.

Sec. 202. That original section 77-2701, Revised Statutes Supplement, 1991, as amended by section 3, Legislative Bill 871, Ninety-second Legislature, Second Session, 1992, and section 10, Legislative Bill 871, Ninety-second Legislature, Second Session, 1992, are repealed.".

2. On page 79, after line 18, insert the following new subsection:

"(6) Livestock shall be exempt from the personal property tax."; and in line 24 strike "(6)" and insert "(7)".

3. On page 213, line 9, after the last comma insert "77-27,136,".

4. Correct the operative date provision so that sections 173 to 175 and 205 added by this amendment become operative on October 1, 1992, and section 176 added by this amendment becomes operative on its effective date.

5. Renumber the remaining sections and correct the internal references accordingly.

STANDING COMMITTEE REPORT
Natural Resources

The Committee on Natural Resources desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Richard Coyne - Central Interstate Low-Level Radioactive Waste Compact Commission

VOTE: Aye: Senators Beutler, Elmer, Hartnett, Horgan, R. Johnson, Lamb, Morrissey, and Schmit. Nay: None.

(Signed) Rod Johnson, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 249. Introduced by Morrissey, 1; Wehrbein, 2.

WHEREAS, Peru State College is a multipurpose, state-supported regional institution offering a variety of postsecondary educational opportunities to the students of Nebraska and the nation; and

WHEREAS, Peru State College is committed to continuing and enhancing its role as a center for regional development through educational, cultural, research, and public service efforts; and

WHEREAS, Peru State College was founded in 1867 as the first institution of public higher education in the State of Nebraska and is celebrating its one-hundred-twenty-fifth birthday the same year as the State of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. The Legislature acknowledges the dedicated efforts of the students of Peru State College in helping to shape the future of Nebraska.
2. The Legislature express its appreciation to the administration, faculty, staff, and alumni of Peru State College for their role in one hundred twenty-five years of dedicated service to the state.

Laid over.

LEGISLATIVE RESOLUTION 250. Introduced by Beutler, 28; Landis, 46; Warner, 25; Wesely, 26; Crosby, 29; Schimek, 27.

WHEREAS, Lincoln High School won the Class A state wrestling championship on February 22, 1992; and

WHEREAS, it was the first state wrestling championship for Lincoln High School since 1969 and the first state wrestling championship for Lincoln since 1970; and

WHEREAS, the Lincoln High School wrestling team was aided in that achievement with a first place finish by Brad Murphy, a first place finish by Adrian Martinez, a fourth place finish by Carlos Gonzalez, a fourth place finish by Jared Ponce, and a sixth place finish by Sean Donovan; and

WHEREAS, the Lincoln High School wrestling team had a highly successful year as evidenced by their 6-1 record in dual meets, their first-place finishes at the Fremont, South Sioux City, and Creighton Prep Invitationals, and their second-place finishes at the Millard South Invitational, the Greater Nebraska Conference Tournament, and the A-1 District Tournament; and

WHEREAS, the members of the Lincoln High School wrestling team are Carlos Gonzales, David Scarroin, Chris Nelson, Sean Donovan, Brad Murphy, Bart Murphy, Adrian Martinez, Jared Ponce, Eric Schulz, Treven Halsted, Tadd Wegner, and Louis Damian; and

WHEREAS, the Lincoln High School wrestling team was ably coached by Thomas Christie and ably assisted by Jeremy Montgomery, Pat Jellum, and Lou Solari; and

WHEREAS, the Lincoln High School wrestling team and coaches are deserving of special recognition for their hard work, balance, determination, and outstanding accomplishments.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature extends its congratulations to the Lincoln High School wrestling team.
2. That a copy of this resolution be sent to the Lincoln High School wrestling team and its coaches and to Lincoln High School principal Sam Nelson in appreciation of their effort.

Laid over.

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 27, 1992, at 10:05 a.m., were the following bills: 907 and 921.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

NOTICE OF COMMITTEE HEARING
Health and Human Services

Governor Appointments Monday, March 9, 1992 1:00 p.m.
  State Board of Health
    Dr. Steven Bennett
    Barbara Christensen
    Janet Foote
    Dr. Richard Fitzgerald
    Dr. Richard Tempero
    Dr. Arthur Weaver
  Rural Health Advisory Commission
    Kathy Jo Skogstad
  Modular Housing Advisory Board
    Gary Rickett
    Roger Cross

(Signed) Don Wesely, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 306A. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 306, Ninety-second Legislature, Second Session, 1992.

GENERAL FILE

LEGISLATIVE BILL 1120. The Ashford pending amendment, FA278, was renewed.

Mr. R. Johnson asked unanimous consent to be excused. No objections. So ordered.

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Coordsen offered the following amendment to the Ashford pending amendment:
FA283
Amend the Ashford amendment, AM3109, in section 183, by striking the words "business or".

Mr. Coordsen withdrew his pending amendment.

Mr. Schellpeper moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Ashford moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. Ashford requested a roll call vote on his amendment.

Voting in the affirmative, 25:

Ashford
Bernard-Stevens
Beutler
Beyer
Byars
Conway
Coordsen
Cudaback
Dierks
Elmer
Haberman
Hefner
Johnson, L.
Lamb
Moore
Morrissey
Nelson
Peterson
Robinson
Rogers
Schellpeper
Schmit
Schrock
Wehrbein
Wickersham

Voting in the negative, 18:

Baack
Bohlke
Crosby
Hall
Hartnett
Hillman
Kristensen
Labedz
Landis
Lindsay
Pirsch
Rasmussen
Robak
Schimek
Warner
Wesely
Will
Withem

Present and not voting, 2:

Chambers
Lynch

Absent and not voting, 1:

Chizek

Excused and not voting, 3:

Abboud
Horgan
Johnson, R.

The Ashford amendment was adopted with 25 ayes, 18 nays, 2 present and not voting, 1 absent and not voting, and 3 excused and not voting.

The Chair declared the call raised.

The second Ashford amendment, as amended by AM3123, is as follows:
FA279
AM3109, Sections 1 through 182 and Sections 184 through 212.

Mrs. Labedz and Mr. Wesely asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Haberman asked unanimous consent to be excused. No objections. So ordered.

MR. CONWAY PRESIDING

Mr. Hall moved the previous question. The question is, "Shall the debate now close?" The motion lost with 12 ayes, 11 nays, and 26 not voting.

Mr. Schellpeper offered the following amendment to the Ashford pending amendment:
AM3171

(Amendments to AM3109)

1. Strike section 206 and insert the

following new sections:

"Sec. 184. That section 77-2708, Revised Statutes Supplement, 1991, be amended to read as follows:

77-2708. (1)(a) The sales and use taxes imposed by the Nebraska Revenue Act of 1967 shall be due and payable to the Tax Commissioner monthly on or before the twenty-fifth day of the month next succeeding each monthly period unless otherwise provided pursuant to the Nebraska Revenue Act of 1967.

(b)(i) On or before the twenty-fifth day of the month following each monthly period or such other period as the Tax Commissioner may require, a return for such period, along with all taxes due, shall be filed with the Tax Commissioner in such form and content as the Tax Commissioner may prescribe and containing such information as the Tax Commissioner deems necessary for the proper administration of the Nebraska Revenue Act of 1967. The Tax Commissioner, if he or she deems it necessary in order to insure payment to or facilitate the collection by the state of the amount of sales or use taxes due, may require returns and payment of the amount of such taxes for periods other than monthly periods in the case of a particular seller, retailer, or purchaser, as the case may be. The Tax Commissioner shall by rule and regulation require reports and tax payments from sellers, retailers, or purchasers depending on their yearly tax liability. Annual returns shall be required if such sellers', retailers', or purchasers' yearly tax liability is less than nine hundred dollars, quarterly returns shall be required if their yearly tax liability is nine hundred dollars or more and less than twelve hundred dollars, and monthly returns shall be required if their yearly tax liability is twelve hundred dollars or more. The Tax Commissioner shall have the discretion to allow an annual return for seasonal retailers, even when their yearly tax liability exceeds the amounts listed in this subdivision.

The Tax Commissioner may adopt and promulgate rules and regulations to allow annual, semiannual, or quarterly returns for any retailer making monthly remittances or payments of sales and use taxes by electronic funds transfer. Such rules and regulations may establish a method of determining the amount of the payment that will result in substantially all of the tax liability being paid each quarter. At least once each year, the difference between the amount paid and the amount due shall be reconciled. If the difference is more than ten percent of the amount paid, a penalty of fifty percent of the unpaid amount shall be imposed.

(ii) For purposes of the sales tax, a return shall be filed by every retailer liable for collection from a purchaser and payment to the state of the tax, except that a combined sales tax return may be filed for all licensed locations which are subject to common ownership. For the purposes of this subdivision, common ownership shall mean the same person or persons own eighty percent or more of each licensed location. For purposes of the use tax, a return shall be filed by every retailer engaged in business in this state and by every person who has purchased personal property, the storage, use, or other consumption of which is subject to the use tax, but who has not paid the use tax due to a retailer required to collect the tax.

(iii) Returns shall be signed by the person required to file the return or by his or her duly authorized agent but need not be verified by oath.

(iv) A taxpayer who keeps his or her regular books and records on a cash basis, an accrual basis, or any generally recognized accounting basis which correctly reflects the operation of the business may file the sales and use tax returns required by the Nebraska Revenue Act of 1967 on the same accounting basis that is used for the regular books and records, except that on credit, conditional, and installment sales the retailer who keeps his or her books on an accrual basis may report such sales on the cash basis and pay the tax upon the collections made during each month. If a taxpayer transfers, sells, assigns, or otherwise disposes of an account receivable, he or she shall be deemed to have received the full balance of the consideration for the original sale and shall be liable for the remittance of the sales tax on the balance of the total sale price not previously reported, except that such transfer, sale, assignment, or other disposition of an account receivable by a retailer to a subsidiary shall not be deemed to require the retailer to pay the sales tax on the credit sale represented by the account transferred prior to the time the customer makes payment on such account. If the subsidiary does not obtain a Nebraska sales tax permit, the taxpayer shall obtain a surety bond in favor of the State of Nebraska to insure payment of the tax and any interest and penalty imposed thereon under this section in an amount not less than two times the amount of tax payable on outstanding accounts receivable held by the subsidiary as of the end of the prior calendar year. Failure to obtain either a sales tax permit or a surety bond in accordance with this section shall result in the payment on the next required filing date of all sales taxes not previously remitted. When the retailer has adopted one basis or the other of reporting credit, conditional, or installment sales and paying the tax thereon, he or she will not be permitted to change from that basis without first having notified the Tax Commissioner.

(c) The taxpayer required to file the return shall deliver or mail any required return together with a remittance of the net amount of the tax due to the office of the Tax Commissioner on or before the required filing date. Failure to file the return, filing after the required filing date, failure to remit the net amount of the tax due, or remitting the net amount of the tax due after the required filing date shall be cause for a penalty of forfeiture of the collection fee allowed pursuant to subdivision (d) of this subsection or five dollars, whichever is greater.

(d) The taxpayer shall deduct and withhold, from the taxes otherwise due from him or her on his or her tax return, ~~three percent of the first five thousand dollars remitted each month and one percent of all amounts in excess of five thousand dollars remitted each month to reimburse himself or herself for the cost of collecting the tax, except that for each month from October 1, 1991, to September 30, 1992, the taxpayer shall deduct and withhold, from the taxes otherwise due from him or her on his or her tax return,~~ one and one-half percent of the first one thousand dollars remitted each month and one-half percent of all amounts in excess of one thousand dollars remitted each month to reimburse himself or herself for the cost of collecting the tax. Taxpayers filing a combined return as allowed by subdivision (1)(b)(ii) of this subsection shall compute such collection fees on the basis of the receipts and liability of each licensed location.

(2)(a) If the Tax Commissioner determines that any sales or use tax amount, penalty, or interest has been paid more than once, has been erroneously or illegally collected or computed, or was paid on a purchase made before May 29, 1987, which purchase qualified for a refund under section 77-27,186 at the time of purchase, the Tax Commissioner shall set forth that fact in his or her records and the excess amount collected or paid may be credited on any sales, use, or income tax amounts then due and payable from the person under the Nebraska Revenue Act of 1967. Any balance may be refunded to the person by whom it was paid or his or her successors, administrators, or executors.

(b) No refund shall be allowed unless a claim therefor is filed with the Tax Commissioner by the person who made the overpayment or his or her attorney, assignee, executor, or administrator within three years from the required filing date following the close of the period for which the overpayment was made, within six months after any determination becomes final under section 77-2709, or within six months from the date of overpayment with respect to such determinations, whichever of these three periods expires the later, unless the credit relates to a period for which a waiver has been given. Failure to file a claim within the time prescribed in this subsection shall constitute a waiver of any demand against the state on account of overpayment.

(c) Every claim shall be in writing on forms prescribed by the Tax Commissioner and shall state the specific amount and grounds upon which the claim is founded. No refund shall be made in any amount less than two dollars.

(d) The Tax Commissioner shall allow or disallow a claim within one hundred eighty days after it has been filed. If the Tax Commissioner has neither allowed nor disallowed a claim within such one hundred eighty days, the claim shall be deemed to have been allowed.

(e) Within thirty days after disallowing any claim in whole or in part, the Tax Commissioner shall serve notice of his or her action on the claimant in the manner prescribed for service of notice of a deficiency determination.

(f) Within thirty days after the mailing of the notice of the Tax Commissioner's action upon a claim filed pursuant to the Nebraska Revenue Act of 1967, the action of the Tax Commissioner shall be final unless the taxpayer seeks review of the Tax Commissioner's determination as provided in section 77-27,127.

(g) Upon the allowance of a credit or refund of any sum erroneously or illegally assessed or collected, of any penalty collected without authority, or of any sum which was excessive or in any manner wrongfully collected, interest shall be allowed and paid on the amount of such credit or refund at the rate specified in section 45-104.01, as such rate may from time to time be adjusted by the Legislature, from the date such sum was paid or from the date the return was required to be filed, whichever date is later, to the date of the allowance of the refund or, in the case of a credit, to the due date of the amount against which the credit is allowed, but in the case of a voluntary and unrequested payment in excess of actual tax liability or a refund under section 77-27,186, no interest shall be allowed when such excess is refunded or credited.

(h) No suit or proceeding shall be maintained in any court for the recovery of any amount alleged to have been erroneously or illegally determined or collected unless a claim for refund or credit has been duly filed.

(i) The Tax Commissioner may recover any refund or part thereof which is erroneously made and any credit or part thereof which is erroneously allowed in an action brought within one year from the date of refund or credit in the name of the state in a court of competent jurisdiction in the county in which the taxpayer involved is located.

(j) The action shall be tried in the county in which the taxpayer involved is a resident unless the court orders a change of place of trial.

(k) The Attorney General shall prosecute the action provided for in subdivision (i) of this subsection, and the provisions of state law and the rules of civil procedure relating to service of summons, pleadings, proof, trials, and appeals shall be applicable to the proceedings.

(l) Credit shall be allowed to the retailer, contractor, or repairperson for sales or use taxes paid pursuant to the Nebraska Revenue Act of 1967 on: (i) Sales represented by that portion of an account determined to be worthless and actually charged off for federal income tax purposes. If such accounts are thereafter collected by the retailer, contractor, or repairperson, a tax shall be paid upon the amount so collected; or (ii) the portion of the purchase price remaining unpaid at the time of a repossession made under the terms of a conditional sales contract.

Sec. 207. Sections 107 to 109, 113 to 115, 117, 121, 129 to 133, 135 to 175, 193, and 209 of this act shall become operative on January 1, 1993. Sections 1, 6 to 13, 17, 18, 20 to 33, 35 to 106, 110 to 112, 116, 118 to 120, 122 to 128, 185, 197, 198, 203, 204, and 210 of this act shall become operative on January 1, 1992. Sections 176 to 184 and 212 of this act shall become operative October 1, 1992. The other sections of this act shall become operative on their effective date.".

2. On page 82, after line 3 insert:

"(6) If a constitutional amendment amending Article VIII of the Constitution of Nebraska is adopted in 1992, livestock shall be exempt from the personal property tax."; and in line 4 strike "(6)" and insert "(7)".

3. On page 200, line 9, after the semicolon insert "and"; and strike beginning with the semicolon in line 12 through "vehicles" in line 14.

4. On page 201, line 2, strike the new matter.

5. On page 217, lines 4 through 6, strike the new matter and reinstate the stricken matter.

6. On page 229, strike beginning with "three" in line 19 through line 24 and show as stricken.

7. On page 230, line 1, strike beginning with "withhold" through "collected" and show as stricken.

8. On page 255, line 5, strike "203" and insert "204".

9. On page 260, line 18, after "original" insert "section 77-2708, Revised Statutes Supplement, 1991,".

10. Renumber the remaining sections accordingly.

SPEAKER BAACK PRESIDING

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Hefner asked unanimous consent to print the following amendment to LB 1063 in the Journal. No objections. So ordered.

AM3167

1. On page 80, after line 1 insert:

"(7) If a constitutional amendment amending Article VIII of the Constitution of Nebraska is adopted in 1992, livestock, including livestock which is depreciated for federal income tax purposes, shall be exempt from property tax.".

Mr. Hall asked unanimous consent to print the following amendment to LB 1063 in the Journal. No objections. So ordered.

FA284

Amend AM3048

1. Strike sections 46 through 48

2. On page 78, strike from "its" on line 13, through line 14 and insert "forty-two percent of its actual value." and strike lines 19 and 20 and insert "exempt for taxation"

3. On page 81, strike lines 1 through 6 and line 20 through 23, and show as stricken.

4. On page 115, strike lines 19 and 20, and in line 21, strike "(b)" and paragraphing

5. Strike section 93

6. Renumber the remaining sections

Mr. Hall asked unanimous consent to print the following amendment to LB 1063 in the Journal. No objections. So ordered.

FA285

Amend AM3048

1. Strike sections 46 through 48
2. On page 78, strike from "its" on line 13 through line 14 and insert "sixty-five percent of its actual value." and strike lines 19 and 20 and insert "exempt from taxation."
3. On page 81, strike lines 1 through 6 and renumber the remaining subsections
4. Strike sections 80 through 87 and 93
5. On page 115, strike lines 19 and 20, and in line 21, strike "(b)" and paragraphing.
6. Renumber the remaining sections.

Mr. Bernard-Stevens asked unanimous consent to print the following amendment to LB 447 in the Journal. No objections. So ordered.

AM3031

(Amendments to AM2862)

1. On page 3, line 3, after the comma insert "an advocacy representative of juveniles and families appointed by the Governor,".

MOTION - Adjournment

Mr. Ashford moved to adjourn until Tuesday, March 3, 1992. The motion lost with 3 ayes, 24 nays, 16 present and not voting, and 6 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 1120. The Schellpeper pending amendment, AM3171, to the Ashford pending amendment, FA279, was renewed.

Mr. Withem requested a division of the question on the Schellpeper amendment.

The Chair sustained the division of the question.

The first Schellpeper amendment, to the Ashford pending amendment, is as follows:

FA286

(Amendments to AM3109)

1. Strike section 206 and insert the following new sections:

"Sec. 184. That section 77-2708, Revised Statutes Supplement, 1991, be amended to read as follows:

77-2708. (1)(a) The sales and use taxes imposed by the Nebraska Revenue Act of 1967 shall be due and payable to the Tax Commissioner monthly on or before the twenty-fifth day of the month next succeeding each monthly period unless otherwise provided pursuant to the Nebraska Revenue Act of 1967.

(b)(i) On or before the twenty-fifth day of the month following each monthly period or such other period as the Tax Commissioner may require, a return for such period, along with all taxes due, shall be filed with the Tax Commissioner in such form and content as the Tax Commissioner may prescribe and containing such information as the Tax Commissioner deems necessary for the proper administration of the Nebraska Revenue Act of 1967. The Tax Commissioner, if he or she deems it necessary in order to insure payment to or facilitate the collection by the state of the amount of sales or use taxes due, may require returns and payment of the amount of such taxes for periods other than monthly periods in the case of a particular seller, retailer, or purchaser, as the case may be. The Tax Commissioner shall by rule and regulation require reports and tax payments from sellers, retailers, or purchasers depending on their yearly tax liability. Annual returns shall be required if such sellers', retailers', or purchasers' yearly tax liability is less than nine hundred dollars, quarterly returns shall be required if their yearly tax liability is nine hundred dollars or more and less than twelve hundred dollars, and monthly returns shall be required if their yearly tax liability is twelve hundred dollars or more. The Tax Commissioner shall have the discretion to allow an annual return for seasonal retailers, even when their yearly tax liability exceeds the amounts listed in this subdivision.

The Tax Commissioner may adopt and promulgate rules and regulations to allow annual, semiannual, or quarterly returns for any retailer making monthly remittances or payments of sales and use taxes by electronic funds transfer. Such rules and regulations may establish a method of determining the amount of the payment that will result in substantially all of the tax liability being paid each quarter. At least once each year, the difference between the amount paid and the amount due shall be reconciled. If the difference is more than ten percent of the amount paid, a penalty of fifty percent of the unpaid amount shall be imposed.

(ii) For purposes of the sales tax, a return shall be filed by every retailer liable for collection from a purchaser and payment to the state of the tax, except that a combined sales tax return may be filed for all licensed locations which are subject to common ownership. For the purposes of this subdivision, common ownership shall mean the same person or persons own eighty percent or more of each licensed location. For purposes of the use tax, a return shall be filed by every retailer engaged in business in this state and by every person who has purchased personal property, the storage, use, or other consumption of which is subject to the use tax, but who has not paid the use tax due to a retailer required to collect the tax.

(iii) Returns shall be signed by the person required to file the return or by his or her duly authorized agent but need not be verified by oath.

(iv) A taxpayer who keeps his or her regular books and records on a cash basis, an accrual basis, or any generally recognized accounting basis which correctly reflects the operation of the business may file the sales and use tax returns required by the Nebraska Revenue Act of 1967 on the same accounting basis that is used for the regular books and records, except that on credit, conditional, and installment sales the retailer who keeps his or her books on an accrual basis may report such sales on the cash basis and pay the tax upon the collections made during each month. If a taxpayer transfers, sells, assigns, or otherwise disposes of an account receivable, he or she shall be deemed to have received the full balance of the consideration for the original sale and shall be liable for the remittance of the sales tax on the balance of the total sale price not previously reported, except that such transfer, sale, assignment, or other disposition of an account receivable by a retailer to a subsidiary shall not be deemed to require the retailer to pay the sales tax on the credit sale represented by the account transferred prior to the time the customer makes payment on such account. If the subsidiary does not obtain a Nebraska sales tax permit, the taxpayer shall obtain a surety bond in favor of the State of Nebraska to insure payment of the tax and any interest and penalty imposed thereon under this section in an amount not less than two times the amount of tax payable on outstanding accounts receivable held by the subsidiary as of the end of the prior calendar year. Failure to obtain either a sales tax permit or a surety bond in accordance with this section shall result in the payment on the next required filing date of all sales taxes not previously remitted. When the retailer has adopted one basis or the other of reporting credit, conditional, or installment sales and paying the tax thereon, he or she will not be permitted to change from that basis without first having notified the Tax Commissioner.

(c) The taxpayer required to file the return shall deliver or mail any required return together with a remittance of the net amount of the tax due to the office of the Tax Commissioner on or before the required filing date. Failure to file the return, filing after the required filing date, failure to remit the net amount of the tax due, or remitting the net amount of the tax due after the required filing date shall be cause for a penalty of forfeiture of the collection fee allowed pursuant to subdivision (d) of this subsection or five dollars, whichever is greater.

(d) The taxpayer shall deduct and withhold, from the taxes otherwise due from him or her on his or her tax return, ~~three percent of the first five thousand dollars remitted each month and one percent of all amounts in excess of five thousand dollars remitted each month to reimburse himself or herself for the cost of collecting the tax, except that for each month from October 1, 1991, to September 30, 1992, the taxpayer shall deduct and withhold, from the taxes otherwise due~~

~~from him or her on his or her tax return,~~ one and one-half percent of the first one thousand dollars remitted each month and one-half percent of all amounts in excess of one thousand dollars remitted each month to reimburse himself or herself for the cost of collecting the tax. Taxpayers filing a combined return as allowed by subdivision (1)(b)(ii) of this subsection shall compute such collection fees on the basis of the receipts and liability of each licensed location.

(2)(a) If the Tax Commissioner determines that any sales or use tax amount, penalty, or interest has been paid more than once, has been erroneously or illegally collected or computed, or was paid on a purchase made before May 29, 1987, which purchase qualified for a refund under section 77-27,186 at the time of purchase, the Tax Commissioner shall set forth that fact in his or her records and the excess amount collected or paid may be credited on any sales, use, or income tax amounts then due and payable from the person under the Nebraska Revenue Act of 1967. Any balance may be refunded to the person by whom it was paid or his or her successors, administrators, or executors.

(b) No refund shall be allowed unless a claim therefor is filed with the Tax Commissioner by the person who made the overpayment or his or her attorney, assignee, executor, or administrator within three years from the required filing date following the close of the period for which the overpayment was made, within six months after any determination becomes final under section 77-2709, or within six months from the date of overpayment with respect to such determinations, whichever of these three periods expires the later, unless the credit relates to a period for which a waiver has been given. Failure to file a claim within the time prescribed in this subsection shall constitute a waiver of any demand against the state on account of overpayment.

(c) Every claim shall be in writing on forms prescribed by the Tax Commissioner and shall state the specific amount and grounds upon which the claim is founded. No refund shall be made in any amount less than two dollars.

(d) The Tax Commissioner shall allow or

disallow a claim within one hundred eighty days after it has been filed. If the Tax Commissioner has neither allowed nor disallowed a claim within such one hundred eighty days, the claim shall be deemed to have been allowed.

(e) Within thirty days after disallowing any claim in whole or in part, the Tax Commissioner shall serve notice of his or her action on the claimant in the manner prescribed for service of notice of a deficiency determination.

(f) Within thirty days after the mailing of the notice of the Tax Commissioner's action upon a claim filed pursuant to the Nebraska Revenue Act of 1967, the action of the Tax Commissioner shall be final unless the taxpayer seeks review of the Tax Commissioner's determination as provided in section 77-27,127.

(g) Upon the allowance of a credit or refund of any sum erroneously or illegally assessed or collected, of any penalty collected without authority, or of any sum which was excessive or in any manner wrongfully collected, interest shall be allowed and paid on the amount of such credit or refund at the rate specified in section 45-104.01, as such rate may from time to time be adjusted by the Legislature, from the date such sum was paid or from the date the return was required to be filed, whichever date is later, to the date of the allowance of the refund or, in the case of a credit, to the due date of the amount against which the credit is allowed, but in the case of a voluntary and unrequested payment in excess of actual tax liability or a refund under section 77-27,186, no interest shall be allowed when such excess is refunded or credited.

(h) No suit or proceeding shall be maintained in any court for the recovery of any amount alleged to have been erroneously or illegally determined or collected unless a claim for refund or credit has been duly filed.

(i) The Tax Commissioner may recover any refund or part thereof which is erroneously made and any credit or part thereof which is erroneously allowed in an action brought within one year from the date of refund or credit in the name of the state in a court of competent jurisdiction in the county in which the taxpayer involved is located.

(j) The action shall be tried in the county in which the taxpayer involved is a resident unless the court orders a change of place of trial.

(k) The Attorney General shall prosecute the action provided for in subdivision (i) of this subsection, and the provisions of state law and the rules of civil procedure relating to service of summons, pleadings, proof, trials, and appeals shall be applicable to the proceedings.

(l) Credit shall be allowed to the retailer, contractor, or repairperson for sales or use taxes paid pursuant to the Nebraska Revenue Act of 1967 on: (i) Sales represented by that portion of an account determined to be worthless and actually charged off for federal income tax purposes. If such accounts are thereafter collected by the retailer, contractor, or repairperson, a tax shall be paid upon the amount so collected; or (ii) the portion of the purchase price remaining unpaid at the time of a repossession made under the terms of a conditional sales contract.

Sec. 207. Sections 107 to 109, 113 to 115, 117, 121, 129 to 133, 135 to 175, 193, and 209 of this act shall become operative on January 1, 1993. Sections 1, 6 to 13, 17, 18, 20 to 33, 35 to 106, 110 to 112, 116, 118 to 120, 122 to 128, 185, 197, 198, 203, 204, and 210 of this act shall become operative on January 1, 1992. Sections 176 to 184 and 212 of this act shall become operative October 1, 1992. The other sections of this act shall become operative on their effective date.".

3. On page 200, line 9, after the semicolon insert "and"; and strike beginning with the semicolon in line 12 through "vehicles" in line 14.

4. On page 201, line 2, strike the new matter.

5. On page 217, lines 4 through 6, strike the new matter and reinstate the stricken matter.

6. On page 229, strike beginning with "three" in line 19 through line 24 and show as stricken.

7. On page 230, line 1, strike beginning with "withhold" through "collected" and show as stricken.

8. On page 255, line 5, strike "203" and

insert "204".

9. On page 260, line 18, after "original" insert "section 77-2708, Revised Statutes Supplement, 1991,".

10. Renumber the remaining sections accordingly.

Mr. Lynch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mrs. Crosby requested a record vote on the Schellpeper amendment.

Voting in the affirmative, 14:

Coordsen
Cudaback
Dierks
Elmer
Hefner
Johnson, L.
Lamb
Peterson
Robinson
Rogers
Schellpeper
Schmit
Wehrbein
Wickersham

Voting in the negative, 22:

Ashford
Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Byars
Conway
Crosby
Hall
Hartnett
Hillman
Kristensen
Landis
Lindsay
Nelson
Pirsch
Robak
Schimek
Schrock
Warner
Will

Present and not voting, 8:

Chambers
Chizek
Labedz
Lynch
Moore
Morrissey
Rasmussen
Withem

Excused and not voting, 5:

Abboud
Haberman
Horgan
Johnson, R.
Wesely

The Schellpeper amendment lost with 14 ayes, 22 nays, 8 present and not voting, and 5 excused and not voting.

The second Schellpeper amendment, to the Ashford pending amendment, is as follows:
FA287

(Amendments to AM3109)

2. On page 82, after line 3 insert:

"(6) If a constitutional amendment amending Article VIII of the Constitution of Nebraska is adopted in 1992, livestock shall be exempt from the personal property tax."; and in line 4 strike "(6)" and insert "(7)".

Mr. Schellpeper withdrew his pending amendment.

Mr. Chizek asked unanimous consent to be excused until he returns. No objections. So ordered.

The Ashford pending amendment, FA279, as amended, was renewed.

Mr. Ashford moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Ashford requested a roll call vote on his amendment.

Voting in the affirmative, 7:

Ashford
Hefner
Johnson, L.
Landis
Lynch
Schellpeper
Schmit

Voting in the negative, 26:

Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Byars
Conway
Crosby
Hall
Hartnett
Hillman
Kristensen
Labedz
Lamb
Lindsay
Moore
Nelson
Pirsch
Robinson
Rogers
Schimek
Schrock
Warner
Wehrbein
Will
Withem

Present and not voting, 8:

Coordsen
Cudaback
Dierks
Elmer
Morrissey
Peterson
Robak
Wickersham

Absent and not voting, 2:

Chambers
Rasmussen

Excused and not voting, 6:

Abboud
Chizek
Haberman
Horgan
Johnson, R.
Wesely

The Ashford amendment, as amended, lost with 7 ayes, 26 nays, 8 present and not voting, 2 absent and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Hall moved to indefinitely postpone LB 1120.

Laid over.

VISITORS

Visitors to the Chamber were 20 eighth grade students and teacher from District 24 School, Platte Center; Rachel Bertrand from Minden and Berit Godskesen from Denmark; and ten students and instructor from O'Neill High School.

ADJOURNMENT

At 1:09 p.m., on a motion by Mr. Hall, the Legislature adjourned until 9:00 a.m., Tuesday, March 3, 1992.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-FIFTH DAY - MARCH 3, 1992

LEGISLATIVE JOURNAL

NINETY-SECOND LEGISLATURE
SECOND SESSION

THIRTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 3, 1992

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Moul presiding.

PRAYER

The prayer was offered by Rabbi Urkowitz, Beth Israel Synagogue, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Pirsch who was excused; and Messrs. Abboud, Ashford, Beutler, Beyer, Chambers, Haberman, Horgan, Kristensen, Lindsay, Robinson, Rogers, Schmit, Wesely, Mmes. Labedz, and Rasmussen who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-fourth day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 677A. Placed on Select File.
LEGISLATIVE BILL 734A. Placed on Select File.

(Signed) Eric Will, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Coordsen asked unanimous consent to print the following amendment to LB 272 in the Journal. No objections. So ordered.

AM3178

1. On page 13, line 21, strike "use of surplus funds,". .

Mr. Moore asked unanimous consent to print the following amendment to LB 1063 in the Journal. No objections. So ordered.

AM3189

1. Insert the following new section:

"Sec. 195. There is hereby appropriated $1,000,000 from the General Fund for FY1992-93, to the Attorney General, for Program 507, to provide for legal expenses associated with lawsuits contesting the constitutionality of this act.".

2. Renumber the remaining sections and correct internal references accordingly.

3. Amend the operative date section so that the section added by this amendment becomes operative on its effective date.

MESSAGE FROM THE GOVERNOR

February 28, 1992

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 641 and 722 were received in my office on February 26, 1992; and Legislative Bills 907 and 921 were received on February 27, 1992.

These bills were signed by me on February 28, 1992, and delivered to the Secretary of State.

Sincerely,

(Signed) E. Benjamin Nelson
Governor

REPORTS

Received from the Nebraska Investment Finance Authority notice of Community Development Loan Notes, City of Lincoln Program, pursuant to Neb. Rev. Stat. § 58-270.

Received report from the Department of Environmental Control regarding the Litter Reduction and Recycling Program as required by Nebraska Statute section 81-1566.

RESOLUTIONS

LEGISLATIVE RESOLUTION 248. Read. Considered.

LR 248 was adopted with 25 ayes, 0 nays, and 24 not voting.

LEGISLATIVE RESOLUTION 249. Read. Considered.

LR 249 was adopted with 25 ayes, 0 nays, and 24 not voting.

LEGISLATIVE RESOLUTION 250. Read. Considered.

LR 250 was adopted with 25 ayes, 0 nays, and 24 not voting.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 247.

MOTION - Approve Appointment

Mr. R. Johnson moved the adoption of the report of the Natural Resources Committee for the following Governor appointment found in the Journal on page 1045: Richard Coyne - Central Interstate Low-Level Radioactive Waste Compact Commission.

Voting in the affirmative, 28:

Baack
Bernard-Stevens
Bohlke
Byars
Chizek
Conway
Coordsen
Dierks

Elmer
Hall
Hartnett
Hefner
Hillman
Johnson, L.
Johnson, R.
Lamb
Landis
Lynch
Moore
Nelson
Peterson
Robak
Robinson
Warner
Wehrbein
Wesely
Will
Withem

Voting in the negative, 0.

Present and not voting, 9:

Beutler
Crosby
Cudaback
Lindsay
Morrissey
Schellpeper
Schimek
Schrock
Wickersham

Excused and not voting, 12:

Abboud
Ashford
Beyer
Chambers
Haberman
Horgan
Kristensen
Labedz
Pirsch
Rasmussen
Rogers
Schmit

The appointment was confirmed with 28 ayes, 0 nays, 9 present and not voting, and 12 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 175.

A BILL FOR AN ACT relating to highways and streets; to amend section 39-2304, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to members of the Board of Examiners for County Highway and City Street Superintendents; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Ashford
Baack
Bernard-Stevens
Beutler
Bohlke
Byars
Chizek
Conway
Coordsen
Crosby
Cudaback
Dierks
Elmer
Haberman
Hall
Hartnett
Hefner
Hillman
Johnson, L.

Johnson, R.
Kristensen
Lamb
Landis
Lindsay
Lynch
Moore
Morrissey
Nelson
Peterson
Robak
Robinson
Schellpeper
Schimek
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 0.

Excused and not voting, 9:

Abboud
Beyer
Chambers
Horgan
Labedz
Pirsch
Rasmussen
Rogers
Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 878.

A BILL FOR AN ACT relating to the Employment Security Law; to amend section 48-628, Revised Statutes Supplement, 1991; to change provisions relating to disqualification for benefits; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Ashford
Baack
Bernard-Stevens
Beutler
Bohlke
Byars
Chizek
Conway
Coordsen
Crosby
Cudaback
Dierks
Elmer
Haberman
Hall
Hartnett
Hefner
Hillman
Johnson, L.
Johnson, R.
Kristensen
Labedz
Lamb
Landis
Lindsay
Lynch
Moore
Morrissey
Nelson
Peterson
Robak
Robinson
Schellpeper
Schimek
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 0.

Excused and not voting, 8:

Abboud
Beyer
Chambers
Horgan
Pirsch
Rasmussen
Rogers
Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 879.

A BILL FOR AN ACT relating to the Employment Security Law; to amend sections 48-602 and 48-648, Reissue Revised Statutes of Nebraska, 1943; to define employee leasing company; to require contributions and reports as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud
Ashford
Baack
Bernard-Stevens
Bohlke
Byars
Chizek
Conway
Coordsen
Crosby
Cudaback
Dierks
Elmer
Haberman
Hall
Hartnett
Hefner
Hillman
Johnson, L.
Johnson, R.
Kristensen
Labedz
Lamb
Landis
Lindsay
Lynch
Moore
Morrissey
Nelson
Peterson
Robak
Robinson
Schellpeper
Schimek
Schmit
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 0.

Present and not voting, 1:

Beutler

Excused and not voting, 6:

Beyer
Chambers
Horgan
Pirsch
Rasmussen
Rogers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 906.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Uniform Determination of Death Act.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud
Ashford
Baack
Bernard-Stevens
Beutler
Bohlke
Byars
Chizek
Conway
Coordsen
Crosby
Cudaback
Dierks
Elmer
Haberman
Hall
Hartnett
Hefner
Hillman
Johnson, L.
Johnson, R.
Kristensen
Labedz
Lamb
Landis
Lindsay
Lynch
Moore
Morrissey
Nelson
Peterson
Robak
Robinson
Schellpeper
Schimek
Schmit
Schrock
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 0.

Present and not voting, 1:

Warner

Excused and not voting, 6:

Beyer
Chambers
Horgan
Pirsch
Rasmussen
Rogers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 928.

A BILL FOR AN ACT relating to handicapped or disabled persons; to amend sections 18-1738 to 18-1740, Reissue Revised Statutes of Nebraska, 1943; to provide for the issuance of parking permits by county clerks in counties in which a city of the metropolitan class is located; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud
Ashford
Baack
Bernard-Stevens
Beutler
Bohlke
Byars
Chizek
Conway
Coordsen
Crosby
Cudaback
Dierks
Elmer
Haberman
Hall
Hartnett
Hefner
Hillman
Johnson, L.
Johnson, R.
Kristensen
Labedz
Lamb
Landis
Lindsay
Lynch
Moore
Morrissey
Nelson
Peterson
Robak
Robinson
Schellpeper
Schimek
Schmit
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 0.

Excused and not voting, 6:

Beyer
Chambers
Horgan
Pirsch
Rasmussen
Rogers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 933.

A BILL FOR AN ACT relating to motor vehicles; to amend section 18-1737, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to traffic infractions for improperly parking in a parking space designated exclusively for handicapped or disabled persons; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud
Ashford
Baack
Bernard-Stevens
Bohlke
Byars
Chizek
Conway
Coordsen
Crosby
Cudaback
Dierks
Elmer
Haberman

Hall
Hartnett
Hefner
Hillman
Johnson, L.
Johnson, R.
Kristensen
Labedz
Lamb
Landis
Lindsay
Lynch
Moore
Morrissey
Nelson
Peterson
Robak
Robinson
Schellpeper
Schimek
Schmit
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 0.

Present and not voting, 1:

Beutler

Excused and not voting, 6:

Beyer
Chambers
Horgan
Pirsch
Rasmussen
Rogers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 175, 878, 879, 906, 928, and 933.

GENERAL FILE

LEGISLATIVE BILL 1063. Title read. Considered.

Messrs. Warner, Withem, and Landis renewed their pending amendment, AM3048, on file in the Clerk's Office and referred to on page 1009.

Mr. Hall offered the following amendment to the Warner-Withem-Landis pending amendment:
AM3201

(Amendments to AM3048)

1. Strike sections 76 to 88 and 92.

2. On page 78, strike lines 19 and 20 and insert "exempt from taxation.".

3. On page 82, after line 7, insert the following new subsection:

"(7) If a constitutional amendment amending

Article VIII of the Constitution of Nebraska is not adopted in 1992, personal property, except motor vehicles, shall be exempt from property taxes and motor vehicles which are inventory held for resale by a licensed dealer shall be exempt from property taxes.".

4. On page 100, strike beginning with "Sections" in line 2 through "if" in line 4 and insert "If"; and in line 8 after the period insert:

"If a constitutional amendment amending Article VIII of the Constitution of Nebraska is not adopted by June 1, 1992, sections 63 to 74 of this act shall terminate on January 1, 1992.".

5. On page 128, lines 2 and 3, strike the new material.

6. On page 86, line 20; page 143, lines 8 and 11; page 144, line 23; and page 146, line 6, strike "tangible" and insert "taxable".

7. Renumber remaining sections and correct internal references accordingly.

Mr. Chizek asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER BAACK PRESIDING

PRESIDENT MOUL PRESIDING

Mr. Hefner moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Hall moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. Hall requested a roll call vote on his amendment.

Voting in the affirmative, 18:

Coordsen
Dierks
Elmer
Haberman
Hall
Hefner
Johnson, L.
Johnson, R.
Lynch
Moore
Morrissey
Peterson
Robinson
Rogers
Schellpeper
Schmit
Schrock
Wehrbein

Voting in the negative, 26:

Abboud
Ashford
Baack
Bernard-Stevens
Beutler
Bohlke
Byars
Chizek
Conway
Crosby
Cudaback
Hartnett
Hillman
Kristensen
Labedz
Lamb
Landis
Lindsay
Nelson
Robak
Schimek
Warner
Wesely
Wickersham
Will
Withem

Excused and not voting, 5:

Beyer
Chambers
Horgan
Pirsch
Rasmussen

The Hall amendment lost with 18 ayes, 26 nays, and 5 excused and not voting.

Pending.

The Chair declared the call raised.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1178A. Introduced by Hillman, 48.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1178, Ninety-second Legislature, Second Session, 1992.

LEGISLATIVE BILL 992A. Introduced by Conway, 17.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 992, Ninety-second Legislature, Second Session, 1992.

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 947. Placed on General File.

LEGISLATIVE BILL 938. Placed on General File as amended.
Standing Committee amendment to LB 938:

AM3179

1. Strike original section 2.
2. On page 10, line 21, after the comma insert "except county treasurers in counties with a population of three hundred thousand or more as determined by the most recent federal decennial census who shall make triplicate receipts for all sums paid into his or her office,".
3. On page 11, line 2, after "The" insert "county"; in line 9 after the period insert "In counties with a population of three hundred thousand or more as determined by the most recent federal decennial census the county treasurer shall deliver a copy of such payments to the county clerk."; and in lines 12 and 13 strike "and section 60-311, Revised Statutes Supplement, 1990,".

LEGISLATIVE BILL 996. Placed on General File as amended.
Standing Committee amendment to LB 996:
AM3191

1. Strike original section 2.
2. On page 3, strike beginning with "which" in line 4 through "unit" in line 5 and insert "or portion thereof".
3. On page 4, strike beginning with "sections" in line 17 through "77-3439" in line 18 and insert "section 77-3438".
4. Renumber the remaining section accordingly.

(Signed) Tim Hall, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 3, 1992, at 10:25 a.m., were the following bills: 175, 878, 879, 906, 928, and 933.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

VISITORS

Visitors to the Chamber were 100 seniors and teachers from Millard South High School, Omaha; and Rex Gruber from Omaha and Roger L. Keay from England.

RECESS

At 11:52 a.m., on a motion by Speaker Baack, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Baack presiding.

ROLL CALL

The roll was called and all members were present except Mrs. Pirsch who was excused; and Messrs. Beyer, Lynch, Morrissey, Peterson, Robinson, Schmit, Mmes. Labedz, Rasmussen, and Robak who were excused until they arrive.

PRESIDENT MOUL PRESIDING

GENERAL FILE

LEGISLATIVE BILL 1063. Mr. Hall withdrew his pending amendment, FA280, found in the Journal on page 1040.

Mr. Hall renewed his pending amendment, FA281, found in the Journal on page 1040, to the Warner-Withem-Landis pending amendment, AM3048, referred to on pages 1009 and 1075.

SPEAKER BAACK PRESIDING

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 3 nays, and 19 not voting.

The Hall amendment lost with 3 ayes, 19 nays, 20 present and not voting, and 7 excused and not voting.

Mr. Hall renewed his pending amendment, FA284, found in the Journal on page 1056, to the Warner et al. pending amendment, AM3048.

The Hall amendment lost with 5 ayes, 15 nays, 22 present and not voting, and 7 excused and not voting.

Mr. Hall withdrew his pending amendment, FA285, found in the Journal on page 1057.

Mr. Hefner offered the following amendment to the Warner et al. pending amendment:
AM3210

(Amendments to AM3048)

1. On page 82, after line 7 insert:

"(7) If a constitutional amendment amending Article VIII of the Constitution of Nebraska is adopted in 1992, livestock, including livestock which is depreciable tangible personal property as defined in section 47 of this act, shall be exempt from property tax.".

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion lost with 7 ayes, 16 nays, and 26 not voting.

PRESIDENT MOUL PRESIDING

Mr. Warner moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. Warner requested a roll call vote on the Hefner amendment.

Voting in the affirmative, 23:

Beyer
Bohlke
Byars
Coordsen
Cudaback
Dierks
Elmer
Haberman
Hefner
Johnson, L.
Johnson, R.
Lamb
Moore
Morrissey
Peterson
Robak
Robinson
Rogers
Schellpeper
Schmit
Schrock
Wehrbein
Wickersham

Voting in the negative, 23:

Abboud
Ashford
Baack
Bernard-Stevens
Beutler
Chambers
Chizek
Conway
Crosby
Hall
Hartnett
Hillman
Horgan
Kristensen
Labedz
Landis
Lindsay
Nelson

Schimek	Warner	Wesely	Will	Withem

Present and not voting, 1:

Lynch

Excused and not voting, 2:

Pirsch	Rasmussen

The Hefner amendment lost with 23 ayes, 23 nays, 1 present and not voting, and 2 excused and not voting.

Pending.

The Chair declared the call raised.

UNANIMOUS CONSENT - Print in Journal

Messrs. Dierks, Cudaback, and Lindsay asked unanimous consent to print the following amendment to LB 111 in the Journal. No objections. So ordered.

AM3203

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 28-514, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-514. A person who comes into control of property of another that he or she knows to have been lost, mislaid, or delivered under a mistake as to the nature or amount of the property or the identity of the recipient commits theft if, with intent to deprive the owner thereof, he or she fails to take reasonable measures to restore the property to a person entitled to have it. Any person violating the provisions of this section shall, upon conviction thereof, be punished by the penalty prescribed in the next lower classification below the value of the item lost, mislaid, or delivered under a mistake pursuant to section 28-518. Any person convicted pursuant to this section when the value of the property is ~~one~~ two hundred dollars or less shall be guilty of a Class III misdemeanor for the first conviction, a Class II misdemeanor for the second conviction, and a Class I misdemeanor for the third or subsequent conviction.

Sec. 2. That section 28-518, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-518. (1) Theft constitutes a Class III felony when the value of the thing involved is over one thousand five hundred dollars.

(2) Theft constitutes a Class IV felony when the value of the thing involved is ~~three~~ five hundred dollars or more, but not over one thousand five hundred dollars.

(3) Theft constitutes a Class I misdemeanor when the value of the thing involved is more than ~~one~~ two hundred dollars, but less than ~~three~~ five hundred dollars.

(4) Theft constitutes a Class II misdemeanor when the value of the thing involved is ~~one~~ two hundred dollars or less.

(5) For any second or subsequent conviction under subsection (3) of this section, any person so offending shall be guilty of a Class IV felony.

(6) For any second conviction under subsection (4) of this section, any person so offending shall be guilty of a Class I misdemeanor, and for any third or subsequent conviction under subsection (4) of this section, the person so offending shall be guilty of a Class IV felony.

(7) Amounts taken pursuant to one scheme or course of conduct from one person may be aggregated in the indictment or information in determining the classification of the offense, except that amounts may not be aggregated into more than one offense.

(8) In any prosecution for theft under sections 28-509 to 28-518, value shall be an essential element of the offense that must be proved beyond a reasonable doubt.

Sec. 3. That section 28-611, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-611. (1) Whoever obtains property, services, or present value of any kind by issuing or passing a check, draft, assignment of funds, or similar signed order for the payment of money, knowing that he or she has no account with the drawee at the time the check, draft, assignment of funds, or order is issued~~,~~ or, if he or she has ~~such~~ an account, knowing that he or she does not have sufficient funds in~~,~~ or credit with~~,~~ the drawee for the payment of ~~such~~ the check, draft, assignment of funds, or order in full upon ~~its~~ presentation, commits the offense of issuing a bad check. Issuing a bad check is:

(a) A Class III felony if the amount of the check, draft, assignment of funds, or order is one thousand five hundred dollars or more;

(b) A Class IV felony if the amount of the check, draft, assignment of funds, or order is ~~three~~ five hundred dollars or more, but less than one thousand five hundred dollars;

(c) A Class I misdemeanor if the amount of the check, draft, assignment of funds, or order is ~~seventy-five~~ one hundred dollars or more, but less than ~~three~~ five hundred dollars; and

(d) A Class II misdemeanor if the amount of the check, draft, assignment of funds, or order is less than ~~seventy-five~~ one hundred dollars.

The aggregate amount of any series of checks, drafts, assignments, or orders issued or passed within a sixty-day period in one county may be used in determining the classification of the offense pursuant to this subsection, except that checks, drafts, assignments, or orders may not be aggregated into more than one offense.

(2) For any second or subsequent offense under subdivision (1)(c) or (1)(d) of this section, any person so offending shall be guilty of a Class IV felony.

(3) Whoever otherwise issues or passes a check, draft, assignment of funds, or similar signed order for the payment of money, knowing that he or she has no account with the drawee at the time the check, draft, assignment of funds, or order is issued~~,~~ or, if he or she has ~~such~~ an account, knowing that he or she does not have sufficient funds in~~,~~ or credit with~~,~~ the

drawee for the payment of ~~such~~ the check, draft, assignment of funds, or order in full upon its presentation, ~~commits~~ shall be guilty of a Class II misdemeanor.

(4) Any person in violation of this section who makes voluntary restitution to the injured party for the value of the check, draft, ~~order, or~~ assignment of funds, or order shall also pay ~~any costs of filing with the county attorney~~ ten dollars to the injured party and any reasonable handling fee imposed on the injured party by a financial institution.

(5) In any prosecution when the person issuing the check, draft, assignment of funds, or order has an account with the drawee, he or she shall be presumed to have known that he or she did not have sufficient funds in~~,~~ or credit with~~,~~ the drawee for the payment of ~~such~~ the check, draft, assignment of funds, or order in full upon ~~its~~ presentation~~,~~ if, within thirty days after issuance of the check, draft, assignment of funds, or order, he or she ~~has been~~ was notified that the drawee refused payment for lack of funds and he or she ~~has~~ failed within ten days after such notice to make the check, draft, assignment of funds, or order good or, in the absence of such notice, he or she ~~has~~ failed to make the check, draft, assignment of funds, or order good within ten days after notice that such check, draft, assignment of funds, or order has been returned to the depositor was sent to him or her by the county attorney or his or her deputy, by United States mail addressed to such person at his or her last-known address. Upon request of the depositor and the payment of ten dollars for each check, draft, ~~order, or~~ assignment of funds, or order, the county attorney or his or her deputy shall be required to mail notice to the person issuing the check, draft, assignment of funds, or order as provided in this subsection. The ten-dollar payment shall be payable to the county treasurer and credited to the county general fund. No such payment shall be collected from any county office to which such a check, draft, assignment of funds, or order is issued in the course of the official duties of the office.

(6) Any person convicted of violating this section may, in addition to ~~being fined or imprisoned~~ a

fine or imprisonment, be ordered to make restitution to the party injured for the value of the check, draft, ~~order, or~~ assignment of funds, or order and ~~any costs of filing with the county attorney~~ to pay ten dollars to the injured party and any reasonable handling fee imposed on the injured party by a financial institution. If the court, ~~shall~~ in addition to sentencing any person to imprisonment under this section, also ~~enter~~ enters an order of restitution, the time permitted to make such restitution shall not be concurrent with the sentence of imprisonment.

(7) The fact that restitution to the party injured has been made and that ~~any costs of filing with the county attorney~~ ten dollars and any reasonable handling fee imposed on the injured party by a financial institution have been paid to the injured party shall be a mitigating factor in the imposition of punishment for any violation of this section.

Sec. 4. That original sections 28-514, 28-518, and 28-611, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

GENERAL FILE

LEGISLATIVE BILL 1063. Mr. Wickersham offered the following amendment to the Warner et al. pending amendment:
AM3172

(Amendments to AM3048)

1. On page 73, line 20, after "is" insert "purchased, which is"; and in line 22 after "income" insert an underscored comma.

Mr. Wickersham withdrew his pending amendment.

Mr. Elmer offered the following amendment to the Warner et al. pending amendment:
FA288

Amend AM3048 as follows

On page 80, strike lines 8 through line 10.

On page 81, line 22, after the comma insert the following new language "Household goods, personal effects,"

PRESIDENT MOUL PRESIDING

Mr. L. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Cudaback asked unanimous consent to be excused. No objections. So ordered.

Mr. Robinson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Warner moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Mr. Warner requested a roll call vote on the Elmer amendment.

Voting in the affirmative, 17:

Beyer
Coordsen
Dierks
Elmer
Haberman
Hefner
Johnson, R.
Lamb
Moore
Peterson
Robinson
Rogers
Schellpeper
Schmit
Schrock
Wehrbein
Wickersham

Voting in the negative, 22:

Ashford
Baack
Bernard-Stevens
Beutler
Bohlke
Byars
Chizek
Conway
Crosby
Hall
Hartnett
Hillman
Horgan
Kristensen
Labedz
Landis
Lindsay
Schimek
Warner
Wesely
Will
Withem

Present and not voting, 6:

Abboud
Chambers
Lynch
Morrissey
Nelson
Robak

Excused and not voting, 4:

Cudaback
Johnson, L.
Pirsch
Rasmussen

The Elmer amendment lost with 17 ayes, 22 nays, 6 present and not voting, and 4 excused and not voting.

Pending.

The Chair declared the call raised.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 1045. Placed on General File as amended.
Standing Committee amendment to LB 1045:
AM3206

1. On page 2, line 7, strike "seven", show as stricken, and insert "six".

LEGISLATIVE BILL 1238. Placed on General File as amended.
Standing Committee amendment to LB 1238:
AM3207

1. On page 2, line 13, reinstate "each of the school years"; and in line 14 strike the new matter and insert "1992-93, 1993-94, and 1994-95".

(Signed) Ron Withem, Chairperson

Health and Human Services

LEGISLATIVE BILL 1173. Indefinitely postponed.

LEGISLATIVE BILL 1062. Placed on General File as amended.
Standing Committee amendment to LB 1062:
AM2860

1. Strike original section 2.
2. On page 3, strike line 18 and insert "the parents have failed to correct the conditions leading to the juvenile's out-of-home placement in spite of reasonable efforts and services to the parents"; and strike beginning with the comma in line 20 through line 25 and insert an underscored period.
3. On page 4, strike line 1; in line 10 after the period insert "Nothing contained in this subdivision shall prevent the filing of an action pursuant to subdivision (6) of this section.

The Department of Social Services shall submit on a timely basis to the county attorney who filed the petition to place the juvenile in an out-of-home placement a list of the name of each such juvenile who has been in an out-of-home placement for eighteen or more consecutive months.".

4. On page 6, strike beginning with "and" in line 16 through "are" in line 17 and insert "is".

5. Renumber the remaining section accordingly.

(Signed) Don Wesely, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LR 210 in the Journal. No objections. So ordered.

AM2787

1. On page 1, in the first "WHEREAS", capitalize each occurrence of "senators" and "representatives" and after "effect" insert a comma.

2. On page 2, in the second "resolved", strike "Administrator of General Services" and insert "Archivist of the United States".

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1019A. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1019, Ninety-second Legislature, Second Session, 1992.

GENERAL FILE

LEGISLATIVE BILL 1063. Mr. Hall withdrew his pending amendment, FA282, found in the Journal on page 1041.

Mr. R. Johnson offered the following amendment to the Warner et al. pending amendment, AM3048:
AM3240

(Amendments to AM3048)

1. Insert the following new sections:

"Sec. 176. That section 77-2701, Revised Statutes Supplement, 1991, as amended by section 3, Legislative Bill 871, Ninety-second Legislature, Second Session, 1992, be amended to read as follows:

77-2701. Sections 77-2701 to 77-27,135 and sections 4 to 24 and 26 to 59 of this act and section 178 of this act shall be known and may be cited as the Nebraska Revenue Act of 1967.

Sec. 177. That section 10, Legislative Bill 871, Ninety-second Legislature, Second Session, 1992, be amended to read as follows:

Sec. 10. Occasional sale shall mean:

(1) A sale of tangible personal property which is the subject of any intercompany sale or transfer involving any parent, subsidiary, or brother-sister company relationship under section 55 of this act and which was either originally acquired prior to June 1, 1967, or, if acquired thereafter, the seller or transferor directly or indirectly has previously paid a sales or use tax thereon, including:

(a) From one corporation to another corporation pursuant to a reorganization. For purposes of this subdivision, reorganization shall mean a statutory merger or consolidation or the acquisition by a corporation of substantially all of the properties of another corporation when the consideration is solely all or a part of the voting stock of the acquiring corporation or of its parent or subsidiary corporation;

(b) In connection with the winding up, dissolution, or liquidation of a corporation only when there is a distribution of the property of such corporation to the shareholders in kind if the portion of the property so distributed to the shareholder is substantially in proportion to the share of stock or securities held by the shareholder;

(c) To a corporation for the purpose of organization of such corporation or the contribution of additional capital to such corporation when the former owners of the property transferred are immediately after the transfer in control of the corporation and the stock or securities received by each is substantially in proportion to his or her interest in the property prior to the transfer;

(d) To a partnership in the organization of such partnership if the former owners of the property transferred are immediately after the transfer members of such partnership and the interest in the partnership received by each is substantially in proportion to his or her interest in the property prior to the transfer; or

(e) From a partnership to the members thereof when made in kind in the dissolution of such partnership if the portion of the property so distributed to the members of the partnership is substantially in proportion to the interest in the partnership held by the members;

(2) A sale of tangible personal property consisting of household goods and personal effects if each of the following conditions is met and if any one condition is not met then the entire gross receipts shall be subject to the tax imposed by section 77-2703:

(a) Such sales are by an individual at his or her residence or if more than one individual's property is involved such sales are by one of the individuals involved at the residence of one of the individuals;

(b) Such sales do not occur at any residence for more than three days during a calendar year;

(c) Such individual or individuals or any member of any of their households does not conduct or engage in a trade or business in which similar items are sold;

(d) Such property sold was originally acquired for and used for personal use; and

(e) Such property is not otherwise excepted from the definition of occasional sale;

(3) Commencing with any transaction occurring on or after October 1, 1985, any sale of business ~~or~~ ~~farm~~ machinery and equipment if each of the following conditions is met and if any one condition is not met the entire gross receipts shall be subject to the tax imposed by section 77-2703:

(a) Such machinery or equipment was used by the seller or seller's predecessor in a sale described in subdivision (1) of this section as a depreciable capital asset in connection with the ~~farm or~~ business for a period of at least one year;

(b) Such property was originally acquired prior to June 1, 1967, or if acquired thereafter, the seller or seller's predecessor in a sale described in subdivision (1) of this section directly or indirectly has previously paid a sales or use tax thereon; and

(c) Such property is not otherwise excepted from the definition of occasional sale;

(4) Commencing October 1, 1985, a sale of tangible personal property by an organization created exclusively for religious purposes or an agent of the organization for such sale if each of the following conditions is met and if any one condition is not met then the entire gross receipts shall be subject to the tax imposed by section 77-2703:

(a) All sales occur during an activity conducted by such organization or, if more than one organization is involved, by one of the organizations owning property being sold;

(b) The organization only sells property it owns during one such activity in a calendar year; and

(c) The activity does not last longer than three consecutive days; and

(5) Any sale of tangible personal property that is made in connection with the sale to a single buyer of all or substantially all of the tangible personal property of a trade or business if the seller or seller's predecessor in a sale described in subdivision (1) of this section directly or indirectly has previously paid a sales or use tax thereon. This subdivision shall apply to any transaction occurring on or after October 1, 1985.

Commencing October 1, 1985, occasional sale shall not include any sale of tangible personal property directly by or any sale which is supervised or aided by an auctioneer or an agent or employee of an auctioneer.

Except for a sale listed in subdivision (1) of this section, an occasional sale shall not mean any sale of motor vehicles, trailers, and semitrailers as defined in section 60-301.

Sec. 178. Sales and use taxes shall not be imposed on the gross receipts from the sale, lease, or rental of and storage, use, or other consumption in this state of new or used farm machinery and farm equipment.

Sec. 207. That original section 77-2701, Revised Statutes Supplement, 1991, as amended by section 3, Legislative Bill, 871, Ninety-second Legislature, Second Session, 1992, and section 10, Legislative Bill 871, Ninety-second Legislature, Second Session, 1992, are repealed.".

2. Renumber the remaining sections and correct internal references accordingly.

3. Correct the operative date provision so that the sections added by this amendment become operative on October 1, 1992.

Mr. Hall requested a ruling of the Chair on whether the R. Johnson amendment is germane to the Warner et al. amendment.

The Chair ruled the R. Johnson amendment is not germane to the Warner et al. amendment.

Mr. R. Johnson moved to suspend the rules, Rule 7, Section 3(d), to permit consideration of AM3240 to Warner AM3048 to LB 1063.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mrs. Hillman asked unanimous consent to print the following amendment to LB 1063 in the Journal. No objections. So ordered.

AM3245

(Amendments to AM3048)

1. On page 120, line 13, after the period insert "Upon the filing of the listing of taxable tangible personal property, every person required to list taxable tangible personal property shall file a copy of the work papers or work sheets used to compute federal depreciation for the taxpayer's tax year which ended immediately preceding the current assessment date for tangible personal property.".

ATTORNEY GENERAL'S OPINIONS

Opinion No. 92033

DATE:	February 28, 1992
SUBJECT:	Exemption from Property Tax of Household Goods and Intangible Property.
REQUESTED BY:	Senator George Coordsen Nebraska State Legislature
WRITTEN BY:	Don Stenberg, Attorney General L. Jay Bartel, Assistant Attorney General

You have requested our opinion as to whether, if LR 219CA is not placed before the voters and passed by the electorate, personal property in the nature of household goods and intangible property must be subjected to property tax. For the reasons outlined below, we believe that, irrespective of whether LR 219CA is adopted, such personal property may remain exempt from property taxation under existing constitutional provisions.

In 1964, article VIII, § 1, of the Nebraska Constitution, was amended to include the following language: "Taxes, uniform as to class of property or the ownership or use thereof may be levied by valuation or otherwise upon classes of intangible property as the Legislature may determine. . . ." (Emphasis added).

In a previous opinion, this office concluded that the history surrounding the adoption of this amendment demonstrated that the Legislature "could. . . adopt an income tax and then repeal the present statutes which provide for an ad valorem tax on intangibles." Report of Attorney General 1967-68, Opinion No. 13, 21-22. The Legislature, of course, adopted the Nebraska Revenue Act of 1967, providing for an income tax, and, consistent with our opinion, repealed the statutory provisions establishing an ad valorem tax on intangibles. See 1967 Neb. Laws, LB 144. LR 219CA does not propose to alter this particular provision of article VIII, § 1, and we see no reason to deviate from our prior opinion regarding the validity of the Legislature's action consistent with the 1964 amendment.

Furthermore, we point out that the recent Nebraska Supreme Court decisions addressing the constitutionality of the present framework relating to property taxation, including MAPCO Ammonia Pipeline, Inc. v. State Bd. of Equal., 238 Neb. 565, 471 N.W.2d 734 (1991) {"MAPCO"}, have focused on the "uniformity clause" of Neb. Const. art. VIII, § 1, which provides that "{t}axes shall be levied by valuation uniformly and proportionately upon all tangible property. . . ." (Emphasis added). Thus, to the extent your question is prompted by concern as to the implications of the court's recent decisions addressing the uniformity clause of article VIII, § 1, with respect to the taxation of intangibles, this portion of the Constitution is clearly inapplicable, as it pertains only to the taxation of tangible property.

With respect to your second question, pertaining to the validity of the exemption of household goods, Neb. Const. art. VIII, § 2, presently provides: "Household goods and personal effects, as defined by law, may be exempted from taxation in whole or in part, as may be provided by general law, . . ." LR 219CA, as proposed, would generally retain this same constitutional language.

Based on our reading of the court's recent decisions addressing the validity of personal property tax exemptions, we do not believe that the exemption of household goods from property taxation is impermissible under current Nebraska constitutional provisions. In MAPCO, the court noted that "household goods and certain property owned by non-profit religious, charitable, horticultural or cemetery organizations is exempt from taxation." 238 Neb. at 584, 471 N.W.2d at 746. The court further stated that "{t}he validity of these exemptions has not been challenged in this court and, to our knowledge, has not been challenged in federal court." Id. The court continued by noting that specific exemptions for agricultural income-producing machinery and equipment, business inventories, and agricultural products and inventories, exempted under § 77-202(6)-(9), had been found to violate § 306(1)(d) of the federal 4-R Act as resulting in discriminatory taxation of railroad rolling stock in Trailer Train Co. v. Leuenberger, 885 F.2d 415 (8th Cir. 1988), cert. denied sub nom Boehm v. Trailer Train Co., 490 U.S. 1066 (1989), and concluded by holding "the property tax exemptions enumerated in § 77-202(6)-(9). . . unconstitutional under Neb. Const. art. VIII, § 1, in that they prevent the levy of taxes 'by valuation uniformly and proportionately upon all tangible property and franchises.'" 238 Neb. at 584-85, 471 N.W.2d at 746-47.

To the extent the court's holding that the exemptions of personal property under § 77-202(6)-(9) were unconstitutional under state law was based on the incompatibility of such exemptions with the taxation of railroad personal property under § 306 of the 4-R Act, no similar concern exists relative to the exemption of "household goods," as the relevant comparison class for purposes of assessing discriminatory property taxation under the 4-R Act is limited to "commercial and industrial property." The definition of "commercial and industrial property" under § 306(3)(c) pertains only to certain real or personal property "devoted to a commercial or industrial use. . . ." Household goods, of course, would not fall within this definition of "commercial and industrial property."

As noted, the court in MAPCO made reference to the exemption of "household goods" (as well as exemptions for property of religious, charitable, or educational institutions) as not having been challenged in "federal court." It is evident this statement referred to federal court challenges to Nebraska's system of taxing personal property under the 4-R Act. As the exemption of "household goods" (as well as exemptions for the property of religious, charitable, or educational institutions) is irrelevant under the 4-R Act, there is no basis to conclude that the decision in MAPCO calls into question the constitutionality of the exemption of household goods under current Nebraska constitutional provisions. See also Natural Gas Pipeline Co. v. State Bd. of Equal., 237 Neb. 357, 374, 466 N.W.2d 461, 472 (1991) (White and Fahrnbruch, J. J., concurring) (noting reasonableness of classification and exemption of property "whose tax proceeds would not justify the costs of collection," including "household goods.").

In sum, it is our opinion that, irrespective of the adoption of LR 219CA, both household goods and intangibles may remain exempt from property taxation under current Nebraska constitutional provisions.

Very truly yours,
DON STENBERG
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

cc: Patrick O'Donnell
Clerk of Legislature
7-318-7.11

Opinion No. 92034

DATE: February 28, 1992

SUBJECT: LB 946; Does that bill changing the effective date of legislative redistricting conflict with Article III, Section 7 or Article III, Section 8 of the Nebraska Constitution?

REQUESTED BY: Senator George Coordsen
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
Dale A. Comer, Assistant Attorney General

Neb.Rev.Stat §50-1152 (1991 Supp.) provides that the legislative redistricting statutes passed in 1991 "shall become operative on January 6, 1993," except that members from the newly created odd-numbered legislative districts will be nominated and elected in 1992. LB 946 would amend the initial portion of Section 50-1152 to read as follows:

> Sections 50-1101 to 50-1152 shall become operative on the effective date of this act, except that members of the Legislature from the odd-numbered districts mentioned in sections 50-1101 to 50-1152 shall be nominated at the primary election in 1992 and elected at the general election in November 1992 for the term commencing January 6, 1993.

In addition, LB 946 would add the following new language to Section 50-1152:

> The members of the Legislature elected or appointed prior to the effective date of this act shall represent the newly established districts for the balance of their terms, with each member representing the same numbered district as prior to the effective date of this act.

You have now posed several questions concerning the interaction of this proposed statutory language with various provisions of the Nebraska Constitution. Our responses to your inquiries are set out below.

The provisions of our state Constitution at issue are Article III, Section 7, and Article III, Section 8. Article III, Section 7 provides, in pertinent part:

> When the Legislature is redistricted, the members elected prior to the redistricting shall continue in office, and the law providing for such redistricting shall where necessary specify the newly established district which they shall represent for the balance of their term.

The pertinent portion of Article III, Section 8 provides:

> No person shall be eligible to the office of member of the Legislature unless on the date of the general election at which he is elected or on the date of his appointment he ...has resided within the district from which he is elected for the term of one year next before his election....And no person elected as aforesaid shall hold his office after he shall have removed from such district.

It appears that the impetus for LB 946 was, in part, a perceived conflict between the operative date of redistricting under Section 50-1152 and the residency requirements of Article III, Section 8. That is, Article III, Section 8 requires a person to reside within a legislative district for one year prior to the date of his or her election to the Legislature. On the other hand, under Section 50-1152, the operative date for the formation of new legislative districts is January 6, 1993. In those instances where the redistricting plan forms new legislative districts from territory that was part of old districts (new legislative Districts 21 and 39), it could be argued that no one would be a resident of the new district for a year at the time of the election in 1992, since the district does not come into being until 1993. Therefore, the initial portion of LB 946 apparently proposes to amend Section 50-1152 so that it could be considered operative retroactive to its effective date--90 days after its passage, or September 5, 1991. In that way, individuals could be considered as residents of the new legislative districts for one year prior to the general election in 1992. You have asked us whether LB 946 even needs to be enacted, or whether the current language of Section 50-1152 is sufficient. We assume that, by that question, you are asking if there is a conflict between Article III, Section 8 and the current operative date of Section 50-1152 which would require a statutory change.

The answer to your question concerning the necessity for the change in operative dates contemplated by LB 946 obviously turns on the meaning of the language in Article III, Section 8 concerning residency. There do not appear to be any Nebraska cases which give guidance as to the construction of the residency language in Article III, Section 8. Moreover, the particular constitutional language at issue has remained unchanged as a part of our state Constitution since at least 1875. See Constitution of the State of Nebraska, November 1, 1875, Article III, Sec. 5. As a result, there is little information available from either the state Constitutional Convention in 1920 or any subsequent constitutional amendments. Therefore, we must determine the meaning of the plain language of the constitutional provision itself, with the assistance of appropriate rules of constitutional construction.

In considering the meaning of constitutional provisions in Nebraska, it is proper to consider the evil and mischief attempted to be remedied, the objects sought to be accomplished, and the scope of the remedy sought to be applied, and to give such provisions an interpretation which best appears calculated to effectuate the constitutional purpose. E.K. Buck Retail Stores v. Harkert, 157 Neb. 867, 62 N.W.2d 288 (1954). In addition, constitutional provisions should receive a liberal and general, rather than strict, construction and application. State ex rel. Thompson v. Neble, 82 Neb. 267, 117 N.W. 723 (1908).

With these rules of constitutional construction in mind, we turn to the language of Article III, Section 8 which is at issue. Presumably, the reason for requiring an individual to reside in his or her legislative district for one year prior to his or her election to the Legislature is to accomplish increased familiarity with the district--its geography, its economy, and its citizens and their concerns. We see no reason why this purpose could not be accomplished by reading Article III, Section 8 as requiring that individuals who wish to run for the Legislature in new districts immediately after redistricting may do so if they have resided in territory which will become the new district for one year prior to the general election. Such residence would appear to satisfy the purposes of the constitutional provision. Conversely, reading Article III, Section 8 to require immediate implementation of the redistricting plan in order to satisfy residency requirements appears to us to be an unduly strict reading of the constitutional provision under the circumstances. We therefore do not believe, in reference to your question concerning the "need" for LB 946, that the current implementation provisions of Section 50-1152 conflict with Article III, Section 8.

You have also asked whether the residency requirements of Article III, Section 8 would prohibit a legislator who is currently representing either District 21 or District 39 from serving in the Legislature if LB 946 is enacted. In a related question, you have requested our views as to whether such legislators must establish their residence in the new Districts 21 and 39 to complete their terms through January, 1993, in the event implementation of redistricting is accelerated under LB 946.

As noted above, Article III, Section 8 of the Nebraska Constitution requires a member of the Legislature to reside in his or her legislative district, and a legislator may not "...hold his office after he shall have removed from such district." On the other hand, it is clear under the applicable language of Article III, Section 7 that members of the Legislature elected prior to redistricting continue in office after redistricting for the balance of their term, and, Article III, Section 7 allows the Legislature to designate, if necessary, what newly established district a legislator will represent after redistricting. In the present instance, the new Districts 21 and 39 created by the 1991 redistricting bill are some distance geographically from their predecessor districts, and the Senators who represent those districts currently will not reside in the new districts. Yet, LB 946 would both accelerate the creation of the new districts, and also require that they by represented by the current representatives of those districts who do not reside there. We assume that this situation led to your second set of questions.

Again, there is no case law from Nebraska that sheds light on this tension between constitutional provisions. However, unlike Article III, Section 8, which has remained unchanged since at least 1875, Article III, Section 7 was added to our state constitution in 1966. The legislative history of the bill which ultimately became the portion of Article III, Section 7 in question offers some assistance in answering your question.

The portion of Article III, Section 7 at issue dealing with redistricting and the placement of hold-over Senators into new districts was added to our state Constitution as a result of a constitutional amendment proposed by LB 923, which was passed by the Nebraska Legislature in 1965. That constitutional amendment was approved by the voters in November, 1966. During the floor debate on LB 923, several comments by senators indicated that the intent of the constitutional language in question was to allow the Legislature the right to assign legislators to particular districts if necessary as a result of redistricting, even if that assignment resulted in Senators representing districts in which they did not reside. For example, one exchange went as follows:

> Senator Pedersen: All right, then the second question is, on the committee amendment you say in (sic) the law providing for such redistricting shall when necessary specify the newly established district which they shall represent for the balance of the term. The people can actually be voting for certain senators in certain districts and the legislature by this can subsequently thereto specify another part of the state that this senator who continues over actually will be representing. Is that the way you understand it?
>
> Senator Warner: This would be my understanding.

Floor Debate on LB 923, Seventy Fifth Nebraska Legislature, at 2937 (1965) (emphasis added). See Floor Debate on LB 923, Seventy Fifth Nebraska Legislature, at 2939 (1965).

Obviously, comments by Senators concerning the purpose of a constitutional amendment proposed by the Legislature and approved by the people are not dispositive. Nevertheless, in the absence of any caselaw which interprets the language in question, those comments are useful in giving insight as to the motivation for the amendment.

From the language cited above, it is clear that the amendment added to Article III, Section 7 in 1966 was intended, at least by the Legislature, to give it the option of assigning legislators to districts in which they do not reside in the event that such assignments become necessary as a result of redistricting. A constitutional amendment becomes an integral part of the instrument, and must be harmonized, if possible, with all the other provisions of the instrument. Luikart v. Higgins, 130 Neb. 395, 264 N.W. 903 (1936). Therefore, the 1966 amendment to Article III, Section 7 must be considered an integral part of the Nebraska Constitution, and must be harmonized with the remainder including the residency requirements of Article III, Section 8. As a result, we believe that the residency requirements of Article III, Section 8 do not apply in the specific instance of a legislator who is assigned to a particular district as a result of redistricting, even if that legislator is not a resident of the newly assigned district. Should LB 946 be passed and redistricting be accelerated, no constitutional violation would occur with respect to the representation of Districts 21 and 39 by Senators who do not reside there. Similarly, we do not believe that the Senators currently representing Districts 21 and 39 would need to establish their residences in those new districts should LB 946 be passed and redistricting implemented.

Finally, you ask if there are "any problems" with the final portion of LB 946 which amends Section 50-1152 so that members of the Legislature elected or appointed prior to the effective date of the redistricting act shall continue to represent their previous numbered district for the remainder of their term. This question is, again, in the context of Article III, Sections 7 and 8.

To the extent we understand your question, we do not believe there are "any problems" with this language. In great part, it simply mirrors the appropriate language of Article III, Section 7, and is authorized by that Section. We do not see how that is improper.

Sincerely yours,
DON STENBERG
Attorney General
(Signed) Dale A. Comer
Assistant Attorney General

VISITORS

Visitors to the Chamber were Jim Smith from Arapahoe; and Senator Cudaback's brother, Jack Cudaback.

The Doctor of the Day was Lynne Holz from Aurora.

ADJOURNMENT

At 4:27 p.m., on a motion by Speaker Baack, the Legislature adjourned until 9:00 a.m., Wednesday, March 4, 1992.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-SIXTH DAY - MARCH 4, 1992

LEGISLATIVE JOURNAL

NINETY-SECOND LEGISLATURE
SECOND SESSION

THIRTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 4, 1992

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Baack presiding.

PRAYER

The prayer was offered by Chaplain M. J. Thomas, U.S. Air Force, retired.

ROLL CALL

The roll was called and all members were present except Mrs. Pirsch who was excused; and Messrs. Abboud, Cudaback, Hall, R. Johnson, Lindsay, Schmit, Mmes. Labedz, Rasmussen, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-fifth day was approved.

UNANIMOUS CONSENT - Print in Journal

Mr. Haberman asked unanimous consent to print the following amendment to LB 415 in the Journal. No objections. So ordered.

AM3212

(Amendments to Final Reading copy)

1. On page 1, strike beginning with "of" in line 1 through "classes" in line 2.

2. On page 2, strike beginning with "having"

in line 13 through "thousand" in line 14 and show the old matter as stricken; and in line 25 strike "having a" and show as stricken.

3. On page 3, strike line 1 and show the old matter as stricken.

RESOLUTION

LEGISLATIVE RESOLUTION 251. Introduced by Hall, 7.

WHEREAS, Christopher Columbus was a man of great vision, talent, and persistence; and

WHEREAS, Christopher Columbus overcame insurmountable odds to embark on a journey that would lead him to a new world; and

WHEREAS, the four trips that Christopher Columbus made to the New World helped link the nations of Europe with the Americas; and

WHEREAS, the journey made by Christopher Columbus to an unknown land is representative of the journeys later made by persons from Asia, Africa, South America, Australia, and Europe to the United States; and

WHEREAS, many of these persons stayed in the United States to become first generation Americans; and

WHEREAS, the exploration of the Americas by Christopher Columbus provided the foundation for all North and South American nations, as we now know them, including the United States; and

WHEREAS, the year 1992 will mark the quincentennial of this historic voyage to the Americas by Christopher Columbus.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature recognizes and honors the quincentennial of the historic maiden voyage of Christopher Columbus.
2. That the Legislature encourages the schools of Nebraska to emphasize to their students the historical significance of the journeys of Christopher Columbus during the quincentennial of his maiden voyage.

Laid over.

REPORT

Received from the Department of Labor summaries of the draft Job Training Plan for the Greater Nebraska Service Delivery Area and of the proposed Greater Nebraska Job Training Plan for Title III services.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LR 248, LR 249, and LR 250.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 950.

A BILL FOR AN ACT relating to cities and villages; to amend section 19-412, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to salary in the commission form of government as prescribed; to eliminate a penalty for exertion of influence by an officer or employee; and to repeal the original section, and also section 19-420, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Ashford
Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Haberman
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Kristensen
Lamb
Landis
Lynch
Moore
Morrissey
Nelson
Peterson
Robak
Robinson
Rogers
Schellpeper
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 0.

Excused and not voting, 10:

Abboud
Cudaback
Hall
Johnson, R.
Labedz
Lindsay
Pirsch
Rasmussen
Schimek
Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 971.

A BILL FOR AN ACT relating to the Corn Development, Utilization, and Marketing Board; to amend section 2-3612, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to filling a vacancy for the at-large member on such board; to eliminate a provision on appointments to the initial board; and to repeal the original section, and also section 2-3613, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Ashford
Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Haberman
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Kristensen
Lamb
Landis
Lynch
Moore
Morrissey
Nelson
Peterson
Robak
Robinson
Rogers
Schellpeper
Schmit
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 0.

Excused and not voting, 9:

Abboud
Cudaback
Hall
Johnson, R.
Labedz
Lindsay
Pirsch
Rasmussen
Schimek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 984. With Emergency.

A BILL FOR AN ACT relating to credit unions; to amend section 21-17,120.01, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to powers of credit unions; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

Ashford
Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Haberman
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Kristensen
Lamb
Landis
Lynch
Moore
Morrissey
Nelson
Peterson
Robak
Robinson
Rogers
Schellpeper
Schmit
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 0.

Excused and not voting, 9:

Abboud
Cudaback
Hall
Johnson, R.
Labedz
Lindsay
Pirsch
Rasmussen
Schimek

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 985. With Emergency.

A BILL FOR AN ACT relating to savings and loan associations; to amend section 8-355, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to powers of savings and loan associations; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

Ashford
Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Haberman
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Kristensen
Lamb
Landis
Lynch
Moore
Morrissey
Nelson
Peterson
Robak
Robinson
Rogers
Schellpeper
Schmit
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 0.

Excused and not voting, 9:

Abboud
Cudaback
Hall
Johnson, R.
Labedz
Lindsay
Pirsch
Rasmussen
Schimek

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 999.

A BILL FOR AN ACT relating to testacy proceedings; to amend sections 30-2429.01 and 30-2467, Reissue Revised Statutes of Nebraska, 1943; to provide a fee; to change the time within which an inventory must be filed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud
Ashford
Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Haberman
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Kristensen
Lamb
Landis
Lynch
Moore
Morrissey
Nelson
Peterson
Robak
Robinson
Rogers
Schellpeper
Schmit
Schrock
Warner
Wehrbein
Wesely
Wickersham

Will
Withem

Voting in the negative, 0.

Excused and not voting, 8:

Cudaback
Hall
Johnson, R.
Labedz
Lindsay
Pirsch
Rasmussen
Schimek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1004.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-381, 77-2039, 77-2101.01 to 77-2106, 77-2106.02, 77-2108 to 77-2111, 77-2113 to 77-2115, and 77-3313, Reissue Revised Statutes of Nebraska, 1943, and section 77-2106.01, Revised Statutes Supplement, 1991; to provide for a generation-skipping transfer tax as prescribed; to define and redefine terms; to change provisions to provide when such tax is payable, how long such tax returns are open to inspection, and how long unpaid taxes are a lien on property; to change provisions relating to calculation of the estate tax; to harmonize provisions with certain chapters of the Internal Revenue Code of 1986; to change provisions relating to prescribing rules and regulations for such taxes; to change provisions relating to duties of the Tax Commissioner, Attorney General, county courts, and personal representatives relating to such taxes as prescribed; to change provisions relating to penalties; to change provisions relating to a refund of overpayment of taxes with interest; to provide for apportionment of such taxes due among persons interested in the estate or transfer; to provide filing dates for returns; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud
Ashford
Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Haberman
Hartnett
Hefner

Hillman
Horgan
Johnson, L.
Johnson, R.
Kristensen
Lamb
Landis
Lindsay
Lynch
Moore
Morrissey
Nelson
Peterson
Robak
Robinson
Rogers
Schellpeper
Schimek
Schmit
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 0.

Excused and not voting, 5:

Cudaback
Hall
Labedz
Pirsch
Rasmussen

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 950, 971, 984, 985, 999, and 1004.

GENERAL FILE

LEGISLATIVE BILL 1063. Mr. R. Johnson renewed his pending motion, found in the Journal on page 1092, to suspend the rules, Rule 7, Section 3(d), to permit consideration of AM3240 to Warner AM3048 to LB 1063.

Mrs. Hillman asked unanimous consent to be excused until she returns. No objections. So ordered.

MR. CONWAY PRESIDING

SPEAKER BAACK PRESIDING

Mr. Rogers asked unanimous consent to be excused until he returns. No objections. So ordered.

PRESIDENT MOUL PRESIDING

Mr. Cudaback asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

Mr. R. Johnson requested a record vote on his motion to suspend the rules.

Voting in the affirmative, 22:

Beyer
Bohlke
Byars
Coordsen
Dierks
Elmer
Haberman
Hefner
Johnson, L.
Johnson, R.
Labedz
Lamb
Lynch
Moore
Morrissey
Nelson
Peterson
Robinson
Schellpeper
Schmit
Schrock
Wickersham

Voting in the negative, 20:

Abboud
Ashford
Baack
Bernard-Stevens
Beutler
Chizek
Crosby
Hall
Hartnett
Hillman
Kristensen
Landis
Lindsay
Rasmussen
Robak
Warner
Wehrbein
Wesely
Will
Withem

Present and not voting, 4:

Chambers
Conway
Horgan
Schimek

Excused and not voting, 3:

Cudaback
Pirsch
Rogers

The R. Johnson motion to suspend the rules lost with 22 ayes, 20 nays, 4 present and not voting, and 3 excused and not voting.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. R. Johnson asked unanimous consent to print the following amendment to LB 1257 in the Journal. No objections. So ordered.

AM3160

(Amendments to Standing Committee amendments, AM3060)

1. On page 26, line 21, after "exemptions"

insert "and deadlines".

Mr. R. Johnson asked unanimous consent to print the following amendment to LB 1257 in the Journal. No objections. So ordered.

AM3243

(Amendments to Standing Committee amendments, AM3060)

1. On page 5, strike beginning with "but" in line 3 through "landfill" in line 4.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 4, 1992, at 10:30 a.m., were the following bills: 950, 971, 984, 985, 999, and 1004.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1092A. Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1092, Ninety-second Legislature, Second Session, 1992; to change appropriations as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 1146A. Introduced by Rasmussen, 20.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1146, Ninety-second Legislature, Second Session, 1992.

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE RESOLUTION 211CA. Placed on General File.

LEGISLATIVE BILL 1098. Placed on General File as amended.
Standing Committee amendment to LB 1098:
AM3161

1. Strike the original sections and insert the following new sections:

"Section 1. For purposes of sections 1 to 4 of this act:

(1) Harassment shall mean a knowing and willful course of conduct directed at a specific person which seriously alarms, annoys, or harasses the person and which serves no legitimate purpose. The course of conduct must be such conduct as would cause a reasonable person to suffer substantial emotional distress and must actually cause substantial emotional distress to the person;

(2) Course of conduct shall mean a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity shall not be included within the meaning of course of conduct; and

(3) Credible threat shall mean a threat made with the intent and the apparent ability to carry out the threat so as to cause the person who is the target of the threat to reasonably fear for his or her safety. The threat must be against the life of, or a threat to cause great bodily injury to, a person.

Sec. 2. Any person who willfully, maliciously, and repeatedly follows or harasses another person and who makes a credible threat with the intent to place the person in reasonable fear of death or serious bodily injury commits the offense of stalking if there is in effect prohibiting such behavior against the person (1) a temporary restraining order pursuant to section 42-357, (2) a protection order pursuant to section 42-924, (3) an injunction pursuant to sections 25-1062 to 25-1080, or (4) a no-contact order as a condition of bail pursuant to sections 29-901 to 29-910 in a pending matter. Any person convicted of violating this section shall be guilty of a Class I misdemeanor.

Sec. 3. A person subsequently convicted within seven years of a conviction under section 2 of this act against the same victim shall be guilty of a Class IV felony.

Sec. 4. This act shall not apply to conduct which occurs during labor picketing.

Sec. 5. That section 28-101, Revised Statutes

Supplement, 1991, be amended to read as follows:

28-101. Sections 28-101 to 28-1348 and sections 1 to 4 of this act shall be known and may be cited as the Nebraska Criminal Code.

Sec. 6. That section 42-903, Revised Statutes Supplement, 1990, be amended to read as follows:

42-903. For purposes of the Protection from Domestic Abuse Act, unless the context otherwise requires:

(1) Abuse shall mean the occurrence of one or more of the following acts between household members:

(a) Attempting to cause or intentionally, knowingly, or recklessly causing bodily injury with or without a deadly weapon; or

(b) Placing, by physical menace, another in fear of imminent bodily injury;

(2) Course of conduct shall mean a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose;

(3) Credible threat shall mean a threat made with the intent and the apparent ability to carry out the threat so as to cause the person who is the target of the threat to reasonably fear for his or her safety. The threat must be against the life of, or a threat to cause great bodily injury to, a person;

(4) Department shall mean the Department of Social Services;

(5) ~~(3)~~ Family or household members shall include spouses or former spouses, children, persons who are presently residing together or who have resided together in the past, persons who have a child in common whether or not they have been married or have lived together at any time, and other persons related by consanguinity or affinity; ~~and~~

(6) Harassment shall mean a knowing and willful course of conduct directed at a specific person which seriously alarms, annoys, or harasses the person and which serves no legitimate purpose. The course of conduct must be such conduct as would cause a reasonable person to suffer substantial emotional distress and must actually cause substantial emotional distress to the person; and

(7) ~~(4)~~ Law enforcement agency shall mean the

police department or town marshal in incorporated municipalities and the office of the sheriff in unincorporated areas.

Sec. 7. That section 42-924, Revised Statutes Supplement, 1990, be amended to read as follows:

42-924. (1) Any victim of domestic abuse or any victim who has been willfully, maliciously, and repeatedly followed or harassed by another person and that person has also made a credible threat with the intent to place the victim in reasonable fear of death or serious bodily injury may file an application and affidavit for a protection order by making a showing of such abuse with any judge of a district court or a conciliation court. Upon the filing of such an application and affidavit in support thereof, the judge or court may issue a protection order without bond enjoining the adverse party from (a) imposing any restraint upon the person or liberty of the applicant or (b) threatening, assaulting, molesting, attacking, or otherwise disturbing the peace of the applicant.

(2) Application for a protection order providing for removal of the adverse party from the premises occupied by the victim of domestic abuse shall require notice and hearing. Such hearing shall be scheduled as soon as possible after entry of the protection order but in no event later than fourteen days after entry of the protection order. The court may order either party excluded from the premises occupied by the other upon a showing that physical or emotional harm would otherwise result. Any such order issued shall specifically set forth the location of the premises and shall be personally served, and a return thereof shall be filed in district court.

(3) An application made pursuant to subsection (1) or (2) of this section may not be withdrawn except upon order of the court. An order issued pursuant to subsection (1) or (2) of this section shall specify that it is effective for a period of one year unless otherwise modified by the court. Except as provided in sections 2 and 3 of this act, any ~~Any~~ person who knowingly violates an order issued pursuant to subsection (1) or (2) of this section after service shall be guilty of a Class II misdemeanor.

(4) If there is any conflict between sections 42-924 to 42-926 and any other provision of law, sections 42-924 to 42-926 shall govern.

Sec. 8. That original sections 42-903 and 42-924, Revised Statutes Supplement, 1990, and section 28-101, Revised Statutes Supplement, 1991, are repealed.".

LEGISLATIVE BILL 1190. Indefinitely postponed.

(Signed) Jerry Chizek, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1063. Messrs. Warner, Baack, Kristensen, R. Johnson, Bernard-Stevens, Wehrbein, Landis, Withem, and Conway offered the following amendment to the Warner et al. pending amendment, AM3048:
(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM3246.)

Mr. Moore requested a ruling of the Chair on whether the Warner et al. amendment, AM3246, is germane to the Warner et al. pending amendment, AM3048.

The Chair ruled the Warner et al. amendment, AM3246, is germane to the Warner et al. pending amendment, AM3048.

Mr. Haberman challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Haberman withdrew his motion to overrule the Chair.

Mr. R. Johnson and Mrs. Nelson asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Conway asked unanimous consent to print the following amendment to LB 1092 in the Journal. No objections. So ordered.

AM3222

(Amendments to Standing Committee amendments, AM2990)

1. Insert the following new section:

"Sec. 22. Upon the transfer of any motor vehicle or cabin trailer which is inventory by a motor vehicle dealer, the dealer shall be given a credit or refund of any property tax, ad valorem tax, or fee paid or payable by the dealer for the motor vehicle or cabin trailer for the number of months remaining in the year from the date of transfer. The dealer may claim the credit or refund until July 30 of the year following transfer of the motor vehicle or cabin trailer. The claim shall be filed with the county assessor on a form prescribed by the Auditor of Public Accounts. The county assessor shall certify to the county treasurer the amount of the credit or refund and the taxing unit where the motor vehicle or cabin trailer was located at the time of assessment of the tax or fee. If the dealer has paid the tax or fee on the motor vehicle or cabin trailer, the county treasurer shall pay the refund to the dealer from the undistributed motor vehicle or cabin trailer taxes or fees of the taxing unit where the money was originally distributed, but no refund of less than two dollars shall be paid. If the dealer has not yet paid all of the tax or fee, a credit shall be given.".

2. Renumber the remaining sections accordingly.

VISITORS

Visitors to the Chamber were 19 seniors and teachers from Shelton High School.

RECESS

At 11:57 a.m., on a motion by Speaker Baack, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Moul presiding.

ROLL CALL

The roll was called and all members were present except Mrs. Pirsch who was excused; and Messrs. R. Johnson, Morrissey, Robinson, Rogers, and Schellpeper who were excused until they arrive.

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 308 in the Journal. No objections. So ordered.

AM2955

1. On page 6, line 25, strike "All" and insert "No patient-identifying data as defined in section 81-643 shall be divulged, made public, or released by the department to any public or private person or entity. All other".

GENERAL FILE

LEGISLATIVE BILL 1063. The Warner et al. pending amendment, AM3246, to the Warner et al. pending amendment, AM3048, was renewed.

Mr. Hall requested a division of the question on the Warner et al. amendment, AM3246.

The Chair sustained the division of the question.

The first Warner et al. amendment, to the Warner et al. pending amendment, AM3048, is as follows:

FA289

(Amendments to AM3048)

1. Insert the following new sections:

"Sec. 100. That section 77-1233.04, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-1233.04. (1) The county assessor shall change the reported valuation of any item of personal property listed on the return of any taxpayer to conform the valuation to ~~actual~~ taxable value. The assessor shall make a change to the valuation of any item of personal property for the current taxing period and the three previous taxing periods or any taxing period included therein.

(2) The county assessor shall list any item of personal property omitted from or not returned on a personal property return of any taxpayer and value the property at its ~~actual~~ taxable value. The assessor shall list and value omitted or not returned property for the current taxing period and the three previous taxing periods or any taxing period included therein. Property so listed and valued shall be taxed at the same rate as would have been imposed upon the property in the governmental subdivision of the state in which the property should have been returned for taxation. To the tax shall be added a penalty of fifty percent of the tax due. Interest shall be assessed upon both the tax and the penalty at the rate specified in section 45-104.01, as such rate may from time to time be adjusted by the Legislature, from the date the tax would have been delinquent until paid.

(3) For purposes of this section, the county assessor shall send notice, by first-class mail to the last-known address of the taxpayer, on a form prescribed by the Tax Commissioner, advising the taxpayer of the action taken, the penalty, and the rate of interest, if any. The notice shall also state the taxpayer's appeal rights and the appeal procedures.

(4) The county assessor may with the approval of the county board of equalization waive all or part of the penalty assessed and any interest thereon. The entire penalty and interest shall be waived if the omission or failure to return any item of personal property was for the reason that ~~the property was not required to be reported in previous years or~~ the property was timely reported in the wrong taxing district.

(5) For purposes of this section, the taxpayer may appeal the action of the county assessor, either as to the valuation of property or the penalties imposed, to the county board of equalization within thirty days of the date the notice was mailed by the county assessor. The taxpayer shall preserve his or her appeal by filing an appeal with the county clerk in the same manner as prescribed in section 77-1502. The action of the county assessor shall become final unless an appeal

is filed within the time prescribed.

(6) Upon ten days' notice to the taxpayer, the county board of equalization shall set a date for hearing the appeal of the taxpayer. The county board of equalization shall make its determination on the appeal within thirty days after the date of hearing. The county clerk shall, within seven days of the determination of the county board, send notice to the taxpayer and the county assessor, on forms prescribed by the Tax Commissioner, of the action of the county board. Appeal de novo may be taken from the decision of the county board of equalization to the district court of the county in which the assessment is made in the manner prescribed in sections 77-1510 and 77-1511.

(7) Taxes and penalties assessed for the current year, if not delinquent, shall be certified to the county treasurer and collected as if the property had been properly reported for taxation, except that separate tax statements may be mailed. Taxes and penalties assessed for the current year, if delinquent, and taxes and penalties assessed for prior years shall be certified to the county treasurer, and the tax, penalties, and interest thereon shall be due and collectible immediately upon certification. Collection procedures shall be started immediately regardless of the provisions of any other statute to the contrary.

Sec. 101. That section 77-1233.05, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-1233.05. If a return is voluntarily filed or omitted property is voluntarily reported after the final date for returning such property has passed for the current taxing period and the three previous taxing periods or any taxing period included therein, the property shall be taxed at the same rate as imposed upon the property in the governmental subdivision of the State of Nebraska in which the property should have been returned for taxation. To the tax shall be added a penalty of ten percent of the amount of tax due on tangible personal property. Interest at the rate specified in section 45-104.01, as such rate may from time to time be adjusted by the Legislature, shall be assessed upon such penalty from the date of delinquency of the tax until paid. The county assessor with the approval of the county board of equalization may waive all or part of the penalty and the interest on the penalty. If the omission or failure to return or report property was caused by the fact that ~~such property had not been required to be reported in previous years or that~~ such property was timely reported in the wrong taxing district, the entire penalty and the interest on the penalty shall be waived. Appeals may be taken under the same conditions and in the same manner as provided in section 77-1233.04. A return shall be deemed to be voluntarily filed or omitted property shall be deemed to have been voluntarily reported if the action is done without notice from any taxing official or if the taxpayer prior to such notice notified the county assessor in writing that such return would be filed late and the return was subsequently filed within thirty days. Returns voluntarily filed or omitted property voluntarily reported as provided in this section shall not be subjected to any other penalty. This section shall not be so construed as to prohibit any taxing official from the proper discovery, assessment, taxation, and penalization of and for any property not listed or returned, regardless of when or in what manner the return was filed.

Mr. Wehrbein moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. Hall requested a record vote on the Warner et al. amendment.

Voting in the affirmative, 26:

Ashford
Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Byars
Chizek
Conway
Crosby
Cudaback
Hartnett
Hillman
Horgan
Kristensen
Landis
Lindsay
Nelson
Robak
Schimek
Schrock
Warner
Wehrbein
Wickersham
Will
Withem

Voting in the negative, 4:

Haberman
Hall
Lynch
Schmit

Present and not voting, 16:

Abboud
Chambers
Coordsen
Dierks
Elmer
Hefner
Johnson, L.
Johnson, R.
Labedz
Lamb
Moore
Morrissey
Peterson
Rasmussen
Schellpeper
Wesely

Excused and not voting, 3:

Pirsch
Robinson
Rogers

The first Warner et al. amendment was adopted with 26 ayes, 4 nays, 16 present and not voting, and 3 excused and not voting.

The second Warner et al. amendment, to the Warner et al. pending amendment, AM3048, is as follows:
FA290

(Amendments to AM3048)

Sec. 178. That section 77-2701, Revised Statutes Supplement, 1991, as amended by section 3, Legislative Bill 871, Ninety-second Legislature, Second Session, 1992, be amended to read as follows:

77-2701. Sections 77-2701 to 77-27,135 and sections 4 to 24 and 26 to 59 of this act and section 179 of this act shall be known and may be cited as the Nebraska Revenue Act of 1967.

Sec. 179. (1) Any purchaser of depreciable agricultural machinery and equipment purchased on or after January 1, 1992, for use in commercial agriculture may apply for a refund of eighty percent of the state sales or use taxes and all of the local option sales and use taxes paid on the machinery or equipment.

(2) The purchaser shall file a claim with the Tax Commissioner pursuant to section 77-2708, and in addition to the information required by such section, the claimant shall provide a copy of the schedule of personal property filed with the county assessor and specifically identify the machinery and equipment on which the refund is requested. The information provided with a tax refund claim allowed under this section may be disclosed to any other tax official of this state.

(3) If the purchaser fails to list the depreciable agricultural machinery or equipment on a schedule of personal property filed on or before the due date with the county assessor for the January first after the date of purchase, the purchaser shall have waived his or her claim to a refund of any of the sales tax paid on the machinery and equipment.

(4) The Tax Commissioner may recover any refund paid as an underpayment of the sales tax if a refund was allowed and the machinery and equipment was not properly listed.

Sec. 178. That section 77-2701, Revised Statutes Supplement, 1991, as amended by section 3, Legislative Bill 871, Ninety-second Legislature, Second Session, 1992, be amended to read as follows:

(2)(a) If the Tax Commissioner determines that any sales or use tax amount, penalty, or interest has been paid more than once, has been erroneously or illegally collected or computed, ~~or~~ was paid on a purchase made before May 29, 1987, which purchase qualified for a refund under section 77-27,186 at the time of purchase, or was paid on agricultural machinery or equipment which qualifies for a refund under section 179 of this act, the Tax Commissioner shall set forth that fact in his or her records and the excess amount collected or paid may be credited on any sales, use, or income tax amounts then due and payable from the person under the Nebraska Revenue Act of 1967. Any balance may be refunded to the person by whom it was paid or his or her successors, administrators, or executors.

(b) No refund shall be allowed unless a claim therefor is filed with the Tax Commissioner by the person who made the overpayment or his or her attorney, assignee, executor, or administrator within three years from the required filing date following the close of the period for which the overpayment was made, within six months after any determination becomes final under section 77-2709, or within six months from the date of overpayment with respect to such determinations, whichever of these three periods expires the later, unless the credit relates to a period for which a waiver has been given. Failure to file a claim within the time prescribed in this subsection shall constitute a waiver of any demand against the state on account of overpayment.

(c) Every claim shall be in writing on forms prescribed by the Tax Commissioner and shall state the specific amount and grounds upon which the claim is founded. No refund shall be made in any amount less than two dollars.

(d) The Tax Commissioner shall allow or disallow a claim within one hundred eighty days after it has been filed. If the Tax Commissioner has neither allowed nor disallowed a claim within such one hundred eighty days, the claim shall be deemed to have been allowed.

(e) Within thirty days after disallowing any claim in whole or in part, the Tax Commissioner shall serve notice of his or her action on the claimant in the manner prescribed for service of notice of a deficiency determination.

(f) Within thirty days after the mailing of the notice of the Tax Commissioner's action upon a claim filed pursuant to the Nebraska Revenue Act of 1967, the action of the Tax Commissioner shall be final unless the taxpayer seeks review of the Tax Commissioner's determination as provided in section 77-27,127.

(g) Upon the allowance of a credit or refund of any sum erroneously or illegally assessed or collected, of any penalty collected without authority, or of any sum which was excessive or in any manner wrongfully collected, interest shall be allowed and paid on the amount of such credit or refund at the rate specified in section 45-104.01, as such rate may from time to time be adjusted by the Legislature, from the date such sum was paid or from the date the return was required to be filed, whichever date is later, to the date of the allowance of the refund or, in the case of a credit, to the due date of the amount against which the credit is allowed, but in the case of a voluntary and unrequested payment in excess of actual tax liability or a refund under section 77-27,186 or section 179 of this act, no interest shall be allowed when such excess is refunded or credited.

(h) No suit or proceeding shall be maintained in any court for the recovery of any amount alleged to have been erroneously or illegally determined or collected unless a claim for refund or credit has been duly filed.

(i) The Tax Commissioner may recover any refund or part thereof which is erroneously made and any credit or part thereof which is erroneously allowed in an action brought within one year from the date of refund or credit in the name of the state in a court of competent jurisdiction in the county in which the taxpayer involved is located.

(j) The action shall be tried in the county in which the taxpayer involved is a resident unless the court orders a change of place of trial.

(k) The Attorney General shall prosecute the action provided for in subdivision (i) of this subsection, and the provisions of state law and the rules of civil procedure relating to service of summons, pleadings, proof, trials, and appeals shall be applicable to the proceedings.

(l) Credit shall be allowed to the retailer, contractor, or repairperson for sales or use taxes paid pursuant to the Nebraska Revenue Act of 1967 on: (i) Sales represented by that portion of an account determined to be worthless and actually charged off for federal income tax purposes. If such accounts are thereafter collected by the retailer, contractor, or repairperson, a tax shall be paid upon the amount so collected; or (ii) the portion of the purchase price remaining unpaid at the time of a repossession made under the terms of a conditional sales contract.

Mr. Hall requested a ruling of the Chair on whether the Warner et al. amendment, FA290, is germane to the Warner et al. pending amendment, AM3048.

The Chair ruled the Warner et al. amendment, FA290, is germane to the Warner et al. pending amendment, AM3048.

Mr. Hall challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Hall moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Mr. Hall requested a roll call vote on his motion to overrule the Chair.

Voting in the affirmative, 13:

Coordsen
Haberman
Hall
Hefner
Horgan
Johnson, L.
Lamb
Lynch
Moore
Morrissey
Peterson
Schellpeper
Schmit

Voting in the negative, 29:

Abboud
Ashford
Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Byars
Chizek
Conway
Crosby
Cudaback
Hartnett
Hillman
Johnson, R.
Kristensen
Labedz
Landis
Lindsay
Nelson
Rasmussen
Robak
Robinson
Schimek
Warner
Wehrbein
Wesely
Wickersham
Withem

Present and not voting, 5:

Chambers
Dierks
Elmer
Schrock
Will

Excused and not voting, 2:

Pirsch
Rogers

The Hall motion to overrule the Chair lost with 13 ayes, 29 nays, 5 present and not voting, and 2 excused and not voting.

The Chair was sustained.

The Chair declared the call raised.

Mr. Haberman requested a ruling of the Chair on whether the Warner et al. amendment, FA290, is germane to the Warner et al. pending amendment, AM3048.

The Chair ruled the Haberman request out of order.

Mr. Withem moved the previous question. The question is, "Shall the debate now close?"

Mr. Withem moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

The motion to cease debate prevailed with 25 ayes, 0 nays, and 24 not voting.

The second Warner et al. amendment, FA290, was adopted with 31 ayes, 9 nays, 7 present and not voting, and 2 excused and not voting.

Pending.

The Chair declared the call raised.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 1125. Placed on General File as amended.
(Standing Committee amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM3208.)

(Signed) Ron Withem, Chairperson

Judiciary

LEGISLATIVE BILL 991. Placed on General File.

LEGISLATIVE BILL 557. Placed on General File as amended.
(Standing Committee amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM3082.)

LEGISLATIVE BILL 594. Placed on General File as amended.
Standing Committee amendment to LB 594:
AM3254

1. Strike original section 2 and insert the following new sections:

"Section 1. That section 44-2824, Revised Statutes Supplement, 1990, be amended to read as follows:

44-2824. (1) To be qualified under the Nebraska Hospital-Medical Liability Act, a health care provider or such health care provider's employer, employee, or partner shall:

(a) File with the director proof of financial responsibility, pursuant to section 44-2827 or 44-2827.01, in the amount of two hundred fifty thousand dollars for each occurrence. In the case of physicians or nurse anesthetists and their employers, employees, or partners, an aggregate liability amount of ~~six~~ seven hundred fifty thousand dollars for all occurrences or claims made in any policy year for each named insured shall be provided. In the case of hospitals and their employees, an aggregate liability amount of ~~one~~ two million dollars for all occurrences or claims made in any policy year or risk-loss trust year shall be provided. Such policy may be written on either an occurrence or a claims-made basis. Any risk-loss trust shall be established and maintained only on an occurrence basis. Such qualification shall remain effective only as long as insurance coverage or risk-loss trust coverage as required remains effective; and

(b) Pay the surcharge and any special surcharge levied on all health care providers pursuant to sections 44-2829 to 44-2831.

(2) Subject to the requirements in subsections (1) and (4) of this section, the qualification of a health care provider shall be either on an occurrence or claims-made basis and shall be the same as the insurance coverage provided by the insured's policy.

(3) The director shall have authority to permit qualification of health care providers who have retired or ceased doing business if such health care providers have primary insurance coverage under subsection (1) of this section.

(4) A health care provider who is not qualified under the act at the time of the alleged occurrence giving rise to a claim shall not, for purposes of that claim, qualify under the act notwithstanding subsequent filing of proof of financial responsibility and payment of a required surcharge.

(5) Qualification of a health care provider under the Nebraska Hospital-Medical Liability Act shall continue only as long as the health care provider meets the requirements for qualification. A health care provider who has once qualified under the Nebraska Hospital-Medical Liability Act and who fails to renew or

continue his or her qualification in the manner provided by law and by the rules and regulations of the Department of Insurance shall cease to be qualified under such act.

Sec. 3. That section 44-2827, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

44-2827. Financial responsibility of a health care provider may be established only by filing with the director proof that the health care provider is insured pursuant to sections 44-2837 to 44-2839 or by a policy of professional liability insurance in a company authorized to do business in Nebraska. Such insurance shall be in the amount of two hundred fifty thousand dollars per occurrence and, in cases involving physicians or nurse anesthetists, but not with respect to hospitals, an aggregate liability of at least ~~six~~ seven hundred fifty thousand dollars for all occurrences or claims made in any policy year shall be provided. In the case of hospitals and their employees, an aggregate liability amount of ~~one~~ two million dollars for all occurrences or claims made in any policy year shall be provided. Such filing shall state the amount of the premium charged for the policy of insurance.

Sec. 4. That section 44-2829, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

44-2829. (1) There is hereby created an Excess Liability Fund to be collected and received by the director for the exclusive use and purposes stated in the Nebraska Hospital-Medical Liability Act. Such fund and any income from it shall be held by the State Treasurer in trust, deposited in a separate account, and invested and reinvested pursuant to law.

(2) To create the fund, an annual surcharge shall be levied on all health care providers in Nebraska who have qualified under sections 44-2824 and 44-2827. The surcharge for each health care provider shall be determined by the director, ~~subject to the following limitations:~~

~~(a) The annual surcharge shall not exceed fifty percent of the annual premium paid by such health care provider for maintenance of current financial~~

~~responsibility as provided in sections 44-2827 and 44-2837 to 44-2839; and~~

~~(b) The charge~~ except that the surcharge shall not exceed the amount necessary to maintain the fund in the amount stated in section 44-2830.

(3) Such surcharge and any primary insurance premiums due under sections 44-2837 to 44-2839 shall be due and payable within thirty days after the health care provider has qualified in Nebraska pursuant to section 44-2824 and shall be payable annually thereafter in such amounts as may be determined by the director insofar as the surcharge is concerned and by the risk manager insofar as primary liability coverage is concerned.

(4) The net premiums payable for primary insurance provided by the risk manager pursuant to sections 44-2837 to 44-2839 shall be deposited in the fund at least annually by the risk manager.

(5) If the annual premium surcharge or premiums for primary insurance under sections 44-2837 to 44-2839 are not paid within the time specified in subsection (3) of this section, the qualification of the health care provider under section 44-2824 shall be suspended until the annual premiums are paid. Such suspension shall not be effective as to patients claiming against the health care provider unless, at least thirty days before the effective date of the suspension, a written notice giving the date upon which the suspension becomes effective has been provided by the director to the health care provider.

(6) The Director of Insurance, as administrator of the fund, shall be responsible for legal defense of the fund. The director, using money from the fund as deemed necessary, appropriate, or desirable, may purchase the services of persons, firms, and corporations to aid in protecting the fund against claims. The Department of Justice shall not be responsible for legal defense of the fund. All expenses of collecting, protecting, and administering the fund shall be paid from the fund.

Sec. 5. This act shall become operative on January 1, 1993.

Sec. 6. That original sections 44-2825, 44-2827, and 44-2829, Reissue Revised Statutes of

Nebraska, 1943, and section 44-2824, Revised Statutes Supplement, 1990, are repealed.".

2. Renumber the remaining section accordingly.

LEGISLATIVE BILL 872. Placed on General File as amended.
Standing Committee amendment to LB 872:
AM3127

1. Strike original section 3.
2. On page 14, line 19, strike "(a)"; in line 20 after "test" insert "(a)"; and strike lines 21 through 25 and insert "results for use in a criminal prosecution under section 28-306 or 39-669.07 and (b) to any prosecuting attorney in another state who requests the results for use in a criminal prosecution for driving while intoxicated, driving under the influence, or motor vehicle homicide under the laws of the other state if the other state requires a similar disclosure by any hospital or person in such state to any prosecuting attorney in Nebraska who requests the results for use in such a criminal prosecution under the laws of Nebraska.".
3. On page 15, strike lines 1 through 13; and in line 20 strike "4" and insert "3".
4. On page 16, line 8, strike "4" and insert "3".
5. On page 20, line 4, strike "sections 39-669.12 and" and insert "section".
6. Renumber the remaining sections accordingly.

(Signed) Jerry Chizek, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 252. Introduced by Peterson, 21; Hefner, 19; Schellpeper, 18.

WHEREAS, George H. Moyer Sr. of Madison, Nebraska, passed away Sunday March 1, 1992, at the age of ninety-six; and

WHEREAS, Mr. Moyer was a longtime attorney and officer of a Madison savings and loan association; and

WHEREAS, Mr. Moyer was elected and served in the House of Representatives in the Nebraska Legislature from 1927 to 1929; and

WHEREAS, Mr. Moyer was a World War I veteran, a teacher, a newspaper editor, and a member of the county mental health board; and

WHEREAS, Mr. Moyer's many activities illustrate his dedication and service to his community, state, and nation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature extends its sympathy to the family of George H. Moyer Sr.
2. That a copy of this resolution be presented to his widow Eunice.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Hartnett asked unanimous consent to print the following amendment to LB 1115 in the Journal. No objections. So ordered.

AM3078

(Amendments to Final Reading copy)

1. Insert the following new sections:

"Sec. 3. Sections 3 to 12 of this act shall be known and may be cited as the Health Care Fraudulent Claims Act.

Sec. 4. For purposes of the Health Care Fraudulent Claims Act, the definitions found in sections 5 to 8 of this act shall be used.

Sec. 5. Claim shall mean any written demand, document, or application made for the purpose of obtaining a health care payment. A written demand or a written document shall include any paper or other instrument, including computer billing tapes or other electronic means, which contains written or printed matter or information used for purposes of reciting, conveying, or recording information or data for a claim.

Sec. 6. Health care payer shall mean an insurance company as defined in section 44-103 authorized to transact the business of health insurance in this state, a health maintenance organization as defined in section 44-32,105, a prepaid limited health service organization as defined in section 44-4702, a legal entity which is self-insured and provides health care benefits to its employees, medicaid, medicare, or a person responsible for administering the payment of health care services for another person.

Sec. 7. Health care payment shall mean a payment for health care services or the right, under a contract, certificate, or policy of insurance, to have a payment made for a specified health care service.

Sec. 8. Person shall mean any individual, corporation, partnership, association, other legal entity, or agent or employee thereof who is licensed to provide health care in the State of Nebraska.

Sec. 9. (1) No person shall make, present, or assist or conspire with another person to make or present any claim, record, document, or other instrument in support of a claim knowing such claim to be false with the intention of obtaining for himself or herself or for any other person a health care payment.

(2) This section shall not apply to statements made on an application for coverage under a contract, certificate, or policy of health care coverage issued by a health care payer.

(3) A person who violates this section shall be guilty of theft pursuant to section 28-518. Amounts taken from a health care payer pursuant to one scheme or course of conduct shall be aggregated in the indictment or information in determining the classification of the offense under such section.

Sec. 10. The Health Care Fraudulent Claims Act shall not be construed to prohibit or limit a prosecution of or civil action against a person for the violation of any other law of this state.

Sec. 11. On the filing of charges or upon the conviction of an offense under section 9 of this act of any provider of health care services, supplies, or goods, the prosecuting attorney shall provide written notification to the Department of Health or the appropriate agency of the state in which such health care provider is regulated.

Sec. 12. Any health care payer or employee of a health care payer who has reason to suspect that a violation of section 9 of this act has occurred may discuss or inquire of other health care payers about other suspected violations. Any health care payer or employee thereof, participating in such discussions or making such inquiries shall be immune from criminal penalty or from civil liability for slander, libel, defamation, or breach of the physician-patient privilege if the discussions or inquiries are made without malice.

Sec. 13. That section 29-110, Revised Statutes Supplement, 1990, be amended to read as follows:

29-110. (1) Except as provided in subsection (2) or (4) of this section, no person or persons shall be prosecuted for any felony, ~~excepting only~~ except treason, murder, arson, and forgery, unless the indictment for the same shall be found by a grand jury within three years next after the offense shall have been done or committed or unless a complaint for the same shall be filed before the magistrate within three years next after the offense shall have been done or committed and a warrant for the arrest of the defendant shall have been issued nor shall any person be prosecuted, tried, or punished for any misdemeanor or other indictable offense below the grade of felony or for any fine or forfeiture under any penal statute unless the indictment, information, or action for the same shall be found or instituted within one year and six months from the time of committing the offense or incurring the fine or forfeiture or within one year for any offense the punishment of which is restricted by a fine not exceeding one hundred dollars and to imprisonment not exceeding three months. This section shall not extend to any person fleeing from justice. When any suit, information, or indictment for any crime or misdemeanor is limited by any statute to be brought or exhibited within any other time than is limited by this section, then the same shall be brought or exhibited within the time limited by such statute. If any indictment, information, or suit is quashed or the proceedings in the same set aside or reversed on writ of error, the time during the pendency of such indictment, information, or suit so quashed, set aside, or reversed shall not be reckoned within this statute so as to bar any new indictment, information, or suit for the same offense.

(2) No person or persons shall be prosecuted for sexual assault in the first degree, second degree,

or third degree pursuant to section 28-319 or 28-320, sexual assault of a child pursuant to section 28-320.01, kidnapping pursuant to section 28-313, false imprisonment pursuant to section 28-314 or 28-315, child abuse pursuant to section 28-707, pandering pursuant to section 28-802, debauching a minor pursuant to section 28-805, or an offense pursuant to section 28-813, 28-813.01, or 28-1463.03 when the victim is under sixteen years of age at the time of the offense (a) unless the indictment for the same shall be found by a grand jury within seven years next after the offense has been committed or within seven years next after the victim's sixteenth birthday, whichever is later, or (b) unless a complaint for the same shall be filed before the magistrate within seven years next after the offense has been committed or within seven years next after the victim's sixteenth birthday, whichever is later, and a warrant for the arrest of the defendant shall have been issued. The limitations prescribed in this subsection shall include all inchoate offenses pursuant to the Nebraska Criminal Code and compounding a felony pursuant to section 28-301.

(3) The changes made to this section by Laws 1990, LB 1246, shall apply to offenses which occurred prior to April 15, 1990, or which occur on or after such date.

(4) No person or persons shall be prosecuted for a violation of section 9 of this act unless the indictment for such violation is found by a grand jury within three years next after the violation was done or committed or unless a complaint or such violation is filed before the magistrate within three years next after the offense was done or committed and a warrant for the arrest of the defendant has been issued.

Sec. 14. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.".

2. On page 1, line 1, strike "municipal audits" and insert "fraud"; in line 3 after "1943" insert ", and section 29-110, Revised Statutes Supplement, 1990"; and in line 7 after the semicolon

insert "to adopt the Health Care Fraudulent Claims Act; to harmonize a provision; to provide severability;".

3. On page 3, line 21, after the last comma insert "and section 29-110, Revised Statutes Supplement, 1990,".

4. Renumber the remaining section accordingly.

EXPLANATION OF VOTE

Had I been present, I would have voted "aye" on the R. Johnson motion to suspend the rules to LB 1063.

(Signed) Jim Cudaback

GENERAL FILE

LEGISLATIVE BILL 1063. The third Warner et al. amendment, to the Warner et al. pending amendment, AM3048, is as follows:
FA291

(Amendments to AM3048)

Sec. 180. That section 77-2703, Revised Statutes Supplement, 1991, as amended by section 25, Legislative Bill 871, Ninety-second Legislature, Second Session, 1992, be amended to read as follows:

77-2703. (1) There is hereby imposed a tax at the rate provided in section 77-2701.02 upon the gross receipts from all sales of tangible personal property sold at retail in this state, the gross receipts of every person engaged as a public utility, as a community antenna television service operator or any person involved in the connecting and installing of the services defined in subdivision (2)(a), (b), or (d) of section 8 of this act, or as a retailer of intellectual or entertainment properties referred to in subsection (3) of section 8 of this act, the gross receipts from the sale of admissions in this state, and the gross receipts from the sale of warranties, guarantees, service agreements, or maintenance agreements when the items covered are subject to tax under this section. When there is a sale, the tax shall be imposed at the rate in effect at the time the gross receipts are realized under the accounting basis used by the retailer to maintain his or her books and records.

(a) The tax imposed by this section shall be collected by the retailer from the consumer. It shall constitute a part of the purchase price and until collected shall be a debt from the consumer to the retailer and shall be recoverable at law in the same manner as other debts. The tax required to be collected by the retailer from the consumer constitutes a debt owed by the retailer to this state.

(b) It is unlawful for any retailer to advertise, hold out, or state to the public or to any customer, directly or indirectly, that the tax or part thereof will be assumed or absorbed by the retailer, that it will not be added to the selling, renting, or leasing price of the property sold, rented, or leased, or that, if added, it or any part thereof will be refunded. The provisions of this subdivision shall not apply to a public utility.

(c) The tax required to be collected by the retailer from the purchaser, unless otherwise provided by statute or by rule and regulation of the Tax Commissioner, shall be displayed separately from the list price, the price advertised in the premises, the marked price, or other price on the sales check or other proof of sales, rentals, or leases.

(d) For the purpose of more efficiently securing the payment, collection, and accounting for the sales tax and for the convenience of the retailer in collecting the sales tax, it shall be the duty of the Tax Commissioner to adopt and promulgate appropriate rules and regulations prescribing a schedule or schedules of the amounts to be collected from the consumer or user to effectuate the computation and collection of the tax imposed by the Nebraska Revenue Act of 1967. Such schedule or schedules shall provide that the tax shall be collected from the consumer or user uniformly on sales according to brackets based on sales prices of the item or items, except that the Tax Commissioner may authorize computation and collection of the tax uniformly on a straight percentage basis in lieu of brackets in situations involving machine or computer billing.

(e) The use of tokens or stamps for the

purpose of collecting or enforcing the collection of the taxes imposed in the Nebraska Revenue Act of 1967 or for any other purpose in connection with such taxes is prohibited.

(f) For the purpose of the proper administration of the provisions of the Nebraska Revenue Act of 1967 and to prevent evasion of the retail sales tax, it shall be presumed that all gross receipts are subject to the tax until the contrary is established. The burden of proving that a sale of tangible personal property is not a sale at retail is upon the person who makes the sale unless he or she takes, in good faith, from the purchaser a resale certificate to the effect that the property is purchased for the purpose of reselling, leasing, or renting it or takes, in good faith, an exemption certificate pursuant to subsection (7) of section 77-2705. Receipt of a resale certificate or exemption certificate, taken in good faith, shall be conclusive proof for the seller that the sale was made for resale or was exempt.

(g) Whenever any retailer makes delivery of any tangible personal property in this state on or after June 1, 1967, it shall be conclusively presumed that such property was sold at retail on or after June 1, 1967, unless the delivery thereof is made pursuant to a contract executed in writing for a fixed price before June 1, 1967, with at least twenty-five percent of the total price paid prior to June 1, 1967, and such delivery is made prior to August 31, 1967.

(h) In the rental or lease of automobiles, trucks, trailers, semitrailers, and truck-tractors as defined in section 60-301, for periods of thirty days or more, the lessor may elect not to collect and remit the sales tax on the gross receipts and instead pay a sales tax on the cost of such vehicle. If such election is made, it shall be made pursuant to the following conditions:

(i) Notice of the desire to make such election shall be filed with the Tax Commissioner and shall not become effective until the Tax Commissioner is satisfied that the taxpayer has complied with all conditions of this subsection and all rules and regulations of the Tax Commissioner;

(ii) Such election when made shall continue in force and effect for a period of not less than two years and thereafter until such time as the lessor elects to terminate the election;

(iii) When such election is made, it shall apply to all vehicles of the lessor rented or leased for periods of thirty days or more except vehicles to be leased to common or contract carriers who provide to the lessor a valid common or contract carrier exemption certificate. If the lessor rents or leases other vehicles for periods of less than thirty days, such lessor shall maintain his or her books and records and his or her accounting procedure as the Tax Commissioner prescribes; and

(iv) The Tax Commissioner by rule and regulation shall prescribe the contents and form of the notice of election, a procedure for the determination of the tax base of vehicles which are under an existing lease at the time such election becomes effective, the method and manner for terminating such election, and such other rules and regulations as may be necessary for the proper administration of this subdivision.

(i) If a sales or use tax has been paid on the purchase, storage, use, or other consumption of tangible personal property used in the performance of a construction contract, which contract is with the project owner, is for a fixed price, and has been executed prior to June 1, 1967, and which tangible personal property is incorporated into the project and transferred to the owner of the structure constructed upon the completion of the contract, the person having paid such sales or use tax shall be entitled to a refund of the amount of taxes so paid. The Tax Commissioner shall by rule and regulation provide the manner and means of applying for such refund and shall require the furnishing of such proof as may reasonably be required to establish the fact that such property was used in the completion of a contract as defined in this subdivision and that any sales or use tax has in fact been paid on such tangible personal property.

(j) The tax imposed by this section on the sales of motor vehicles, trailers, and semitrailers as defined in section 60-301 shall be the liability of the purchaser and, with the exception of motor vehicles, trailers, and semitrailers registered pursuant to section 60-305.09, the tax shall be collected by the county treasurer at the time the purchaser makes application for the registration of the motor vehicle, trailer, or semitrailer for operation upon the highways of this state. The tax imposed by this section on motor vehicles, trailers, and semitrailers registered pursuant to section 60-305.09 shall be collected by the Department of Motor Vehicles at the time the purchaser makes application for the registration of the motor vehicle, trailer, or semitrailer for operation upon the highways of this state. At the time of the sale of any motor vehicle, trailer, or semitrailer, the seller shall (i) state on the sales invoice the dollar amount of the tax imposed under this section and (ii) furnish to the purchaser a certified statement of the transaction, in such form as the Tax Commissioner prescribes, setting forth as a minimum the total sales price, the allowance for any trade-in, and the difference between the two. The sales tax due shall be computed on the difference between the total sales price and the allowance for any trade-in as disclosed by such certified statement. A copy of such certified statement shall also be furnished to the Tax Commissioner. Any seller who fails or refuses to furnish such certified statement shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars. If the seller fails to state on the sales invoice the dollar amount of the tax due, the purchaser shall have the right and authority to rescind any agreement for purchase and to declare the purchase null and void. If the purchaser retains such motor vehicle, trailer, or semitrailer in this state and does not register it for operation on the highways of this state within thirty days of the purchase thereof, the tax imposed by this section shall immediately thereafter be paid by the purchaser to the county treasurer or the Department of Motor Vehicles. The county treasurer or Department of Motor Vehicles shall report and remit the tax so collected to the Tax Commissioner at such times as the Tax Commissioner may require by rule and regulation.

The county treasurer shall deduct and withhold for the use of the county general fund the collection fee permitted to be deducted by any retailer collecting the sales tax. The Department of Motor Vehicles shall deduct, withhold, and deposit in the Interstate Registration Operations Cash Fund the collection fee permitted to be deducted by any retailer collecting the sales tax. The collection fee shall be forfeited if the county treasurer or Department of Motor Vehicles violates any rule or regulation pertaining to the collection of the use tax.

(k) The Tax Commissioner shall adopt and promulgate necessary rules and regulations for determining the amount subject to the taxes imposed by this section so as to insure that the full amount of any applicable tax is paid in cases in which a sale is made of which a part is subject to the taxes imposed by this section and a part of which is not so subject and a separate accounting is not practical or economical.

(2) A use tax is hereby imposed on the storage, use, or other consumption in this state of tangible personal property purchased, leased, or rented from any retailer and on any transaction the gross receipts of which are subject to tax under subsection (1) of this section on or after June 1, 1967, for storage, use, or other consumption in this state at the rate set as provided in subsection (1) of this section on the sales price of the property or, in the case of leases or rentals, of the lease or rental prices.

(a) Every person storing, using, or otherwise consuming in this state tangible personal property purchased from a retailer or leased or rented from another person for such purpose shall be liable for the use tax at the rate in effect when his or her liability for the use tax becomes certain under the accounting basis used to maintain his or her books and records. His or her liability shall not be extinguished until the use tax has been paid to this state, except that a receipt from a retailer engaged in business in this state or from a retailer who is authorized by the Tax Commissioner, under such rules and regulations as he or she may prescribe, to collect the sales tax and who is, for the purposes of the Nebraska Revenue Act of 1967 relating to the sales tax, regarded as a retailer engaged in business in this state, which receipt is given to the purchaser pursuant to subdivision (b) of this subsection, shall be sufficient to relieve the purchaser from further liability for the tax to which the receipt refers.

(b) Every retailer engaged in business in this state and selling, leasing, or renting tangible personal property for storage, use, or other consumption in this state shall, at the time of making any sale, collect any tax which may be due from the purchaser and shall give to the purchaser, upon request, a receipt therefor in the manner and form prescribed by the Tax Commissioner.

(c) The Tax Commissioner, in order to facilitate the proper administration of the use tax, may designate such person or persons as he or she may deem necessary to be use tax collectors and delegate to such persons such authority as is necessary to collect any use tax which is due and payable to the State of Nebraska. The Tax Commissioner may require of all persons so designated a surety bond in favor of the State of Nebraska to insure against any misappropriation of state funds so collected. The Tax Commissioner may require any tax official, city, county, or state, to collect the use tax on behalf of the state. All persons designated to or required to collect the use tax shall account for such collections in the manner prescribed by the Tax Commissioner. Nothing in this subdivision shall be so construed as to prevent the Tax Commissioner or his or her employees from collecting any use taxes due and payable to the State of Nebraska.

(d) All persons designated to collect the use tax and all persons required to collect the use tax shall forward the total of such collections to the Tax Commissioner at such time and in such manner as the Tax Commissioner may prescribe. Such collectors of the use tax shall deduct and withhold from the amount of taxes collected ~~three~~ two and one-half percent of the first ~~five~~ one thousand dollars remitted each month and one percent of all amounts in excess of ~~five~~ one thousand dollars remitted each month as reimbursement for the cost of collecting the tax, except that for each month from October 1, 1991, to September 30, 1992, such collectors shall deduct and withhold from the amount of taxes collected one and one-half percent of the first one thousand dollars remitted each month and one-half percent of all amounts in excess of one thousand dollars remitted each month as reimbursement for the cost of collecting the tax. Any such deduction shall be forfeited to the State of Nebraska if such collector violates any rule, regulation, or directive of the Tax Commissioner.

(e) For the purpose of the proper administration of the Nebraska Revenue Act of 1967 and to prevent evasion of the use tax, it shall be presumed that tangible personal property sold, leased, or rented by any person for delivery in this state is sold, leased, or rented for storage, use, or other consumption in this state until the contrary is established. The burden of proving the contrary is upon the person who purchases, leases, or rents the property.

(f) It shall be further presumed, in the absence of evidence to the contrary, that tangible personal property shipped or brought to this state by the purchaser after June 1, 1967, was purchased from a retailer on or after that date for storage, use, or other consumption in this state.

(g)(i) Except as provided in subdivisions (g)(ii) and (g)(iii) of this subsection, when a person purchases tangible personal property in another state, the Commonwealth of Puerto Rico, any territory or possession of the United States, or any foreign country with the intent of using such property in such other state, commonwealth, territory, possession, or country and such property is actually used in the other state, commonwealth, territory, possession, or country for its intended purpose, the tangible personal property shall not be subject to tax in this state.

(ii) Subdivision (g)(i) of this subsection shall only apply to a motor vehicle, trailer, or semitrailer as defined in section 60-301 when it is licensed for operation on the highways of the other state, commonwealth, territory, possession, or country prior to being brought into this state.

(iii) Subdivision (g)(i) of this subsection shall not apply to an aircraft which is brought into this state within one year of purchase and (A) is regularly based within this state or (B) more than one-half of the aircraft's operating hours are within this state.

For purposes of subdivision (g)(iii) of this subsection, operation of the aircraft for the purpose of maintenance, repair, or fabrication with subsequent removal from this state upon completion of such maintenance, repair, or fabrication shall not be considered operating hours.

Sec. 181. That section 77-2708, Revised Statutes Supplement, 1991, be amended to read as follows:

77-2708. (1)(a) The sales and use taxes imposed by the Nebraska Revenue Act of 1967 shall be due and payable to the Tax Commissioner monthly on or before the twenty-fifth day of the month next succeeding each monthly period unless otherwise provided pursuant to the Nebraska Revenue Act of 1967.

(b)(i) On or before the twenty-fifth day of the month following each monthly period or such other period as the Tax Commissioner may require, a return for such period, along with all taxes due, shall be filed with the Tax Commissioner in such form and content as the Tax Commissioner may prescribe and containing such information as the Tax Commissioner deems necessary for the proper administration of the Nebraska Revenue Act of 1967. The Tax Commissioner, if he or she deems it necessary in order to insure payment to or facilitate the collection by the state of the amount of sales or use taxes due, may require returns and payment of the amount of such taxes for periods other than monthly periods in the case of a particular seller, retailer, or purchaser, as the case may be. The Tax Commissioner shall by rule and regulation require reports and tax payments from sellers, retailers, or purchasers depending on their yearly tax liability. Annual returns shall be required if such sellers', retailers', or purchasers' yearly tax liability is less than nine hundred dollars, quarterly returns shall be required if their yearly tax liability is nine hundred dollars or more and less than twelve hundred dollars, and monthly returns shall be required if their yearly tax liability is twelve hundred dollars or more. The Tax Commissioner shall have the discretion to allow an annual return for seasonal retailers, even when their yearly tax liability exceeds the amounts listed in this subdivision.

The Tax Commissioner may adopt and promulgate rules and regulations to allow annual, semiannual, or quarterly returns for any retailer making monthly remittances or payments of sales and use taxes by electronic funds transfer. Such rules and regulations may establish a method of determining the amount of the payment that will result in substantially all of the tax liability being paid each quarter. At least once each year, the difference between the amount paid and the amount due shall be reconciled. If the difference is more than ten percent of the amount paid, a penalty of fifty percent of the unpaid amount shall be imposed.

(ii) For purposes of the sales tax, a return shall be filed by every retailer liable for collection from a purchaser and payment to the state of the tax, except that a combined sales tax return may be filed for all licensed locations which are subject to common ownership. For the purposes of this subdivision, common ownership shall mean the same person or persons own eighty percent or more of each licensed location. For purposes of the use tax, a return shall be filed by every retailer engaged in business in this state and by every person who has purchased personal property, the storage, use, or other consumption of which is subject to the use tax, but who has not paid the use tax due to a retailer required to collect the tax.

(iii) Returns shall be signed by the person required to file the return or by his or her duly authorized agent but need not be verified by oath.

(iv) A taxpayer who keeps his or her regular books and records on a cash basis, an accrual basis, or any generally recognized accounting basis which correctly reflects the operation of the business may file the sales and use tax returns required by the Nebraska Revenue Act of 1967 on the same accounting basis that is used for the regular books and records, except that on credit, conditional, and installment sales the retailer who keeps his or her books on an accrual basis may report such sales on the cash basis and pay the tax upon the collections made during each month. If a taxpayer transfers, sells, assigns, or otherwise disposes of an account receivable, he or she shall be deemed to have received the full balance of the consideration for the original sale and shall be liable for the remittance of the sales tax on the balance of the total sale price not previously reported, except that such transfer, sale, assignment, or other disposition of an account receivable by a retailer to a subsidiary shall not be deemed to require the retailer to pay the sales tax on the credit sale represented by the account transferred prior to the time the customer makes payment on such account. If the subsidiary does not obtain a Nebraska sales tax permit, the taxpayer shall obtain a surety bond in favor of the State of Nebraska to insure payment of the tax and any interest and penalty imposed thereon under this section in an amount not less than two times the amount of tax payable on outstanding accounts receivable held by the subsidiary as of the end of the prior calendar year. Failure to obtain either a sales tax permit or a surety bond in accordance with this section shall result in the payment on the next required filing date of all sales taxes not previously remitted. When the retailer has adopted one basis or the other of reporting credit, conditional, or installment sales and paying the tax thereon, he or she will not be permitted to change from that basis without first having notified the Tax Commissioner.

(c) The taxpayer required to file the return shall deliver or mail any required return together with a remittance of the net amount of the tax due to the office of the Tax Commissioner on or before the required filing date. Failure to file the return, filing after the required filing date, failure to remit the net amount of the tax due, or remitting the net amount of the tax due after the required filing date shall be cause for a penalty of forfeiture of the collection fee allowed pursuant to subdivision (d) of this subsection or five dollars, whichever is greater.

(d) The taxpayer shall deduct and withhold, from the taxes otherwise due from him or her on his or her tax return, ~~three~~ two and one-half percent of the first ~~five~~ one thousand dollars remitted each month and one percent of all amounts in excess of ~~five~~ one thousand dollars remitted each month to reimburse himself or herself for the cost of collecting the tax, except that for each month from October 1, 1991, to September 30, 1992, the taxpayer shall deduct and withhold, from the taxes otherwise due from him or her on his or her tax return, one and one-half percent of the first one thousand dollars remitted each month and one-half percent of all amounts in excess of one thousand dollars remitted each month to reimburse himself or herself for the cost of collecting the tax. Taxpayers filing a combined return as allowed by subdivision (1)(b)(ii) of this subsection shall compute such collection fees on the basis of the receipts and liability of each licensed location.

Sec. 182. That section 29, Legislative Bill 871, Ninety-second Legislature, Second Session, 1992, be amended to read as follows:

Sec. 29. ~~Sales~~ Except as provided in section 37, Legislative Bill 871, Ninety-second Legislature, Second Session, 1992, sales and use taxes shall not be imposed on the gross receipts from the sale, lease, or rental of and the storage, use, or other consumption in this state of motor vehicle fuels as defined, taxed, or exempted under Chapter 66, article 4, special fuels as defined, taxed, or exempted for use on the highways under Chapter 66, article 6, and special fuels used to provide motive power for railroad rolling stock.

Sec. 183. That section 37, Legislative Bill 871, Ninety-second Legislature, Second Session, 1992, be amended to read as follows:

Sec. 37. (1) Sales and use taxes in excess of a rate of one and twenty-five hundredths percent shall not be imposed on the gross receipts from the sale, lease, or rental of and the storage, use, or other consumption in this state of~~:~~

~~(1) Sales~~ sales and purchases of electricity, coal, gas, fuel oil, diesel fuel, tractor fuel, propane, gasoline, coke, nuclear fuel, and butane when more than fifty percent of the amount purchased is for use directly in irrigation or farming. ~~; and~~

(2) Sales and use taxes shall not be imposed

on the gross receipts from the sale, lease, or rental of and the storage, use, or other consumption in this state of sales and purchases of such energy sources or fuels made before October 1, 1991, or after September 30, 1992, when more than fifty percent of the amount purchased is for use directly in processing, manufacturing, or refining tangible personal property, in the generation of electricity, or by any hospital. The tax paid to the state on such energy sources or fuels shall not exceed one hundred thousand dollars for any one location when more than fifty percent of the amount purchased is for use directly in processing, manufacturing, or refining of tangible personal property or by any hospital. Any taxpayer who has paid more than one hundred thousand dollars of tax on such energy sources or fuels at one location shall be entitled to a refund of any amount paid in excess of one hundred thousand dollars. A refund shall be made pursuant to section 77-2708.

Sec. 185. That section 77-27,136, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-27,136. ~~Beginning in fiscal year 1982-83 and for each fiscal year thereafter, the~~ The Legislature shall appropriate seventeen million nine hundred thousand dollars of all funds collected by a general sales tax and income tax for aid to incorporated municipalities, ~~seventeen~~ thirteen million five hundred thousand dollars for aid to counties, and seven hundred thousand dollars for aid to natural resources districts.

Sec. 186. That section 77-27,137, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-27,137. (1) The appropriation provided for in section 77-27,136 for aid to counties shall be distributed to the various county treasurers of the state.

(2) A tentative distribution shall be determined by dividing seventeen million dollars on the basis of the ratio of the total amount of property taxes levied by the particular county for county purposes to the total amount of property taxes levied by all counties for county purposes based on the amounts stated

in the most recent certificate of taxes levied statement submitted by each county to the Tax Commissioner pursuant to section 77-1613.01.

(3) The tentative distribution to each county computed under subsection (2) of this section, shall be reduced by dividing three million five hundred thousand dollars on the basis of the ratio of the total amount of property taxes levied on agricultural income-producing personal property levied by the particular county for county purposes to the total amount of property taxes levied on agricultural income-producing personal property levied by all counties for county purposes based on the amounts stated in the most recent certificate of taxes levied statement submitted by each county to the Tax Commissioner pursuant to section 77-1613.01.

(4) The Tax Commissioner shall determine the amount to be distributed to the various counties and certify such amounts by voucher to the Director of Administrative Services. Each amount shall be distributed in seven as nearly as possible equal monthly payments on the last business day of each month beginning in December. The State Treasurer shall, on the business day preceding the last business day of each month, notify the Director of Administrative Services of the amount of funds available in the General Fund for payment purposes. The Director of Administrative Services shall, on the last business day of each month, draw warrants against funds appropriated. The proceeds of the governmental subdivision payments received by the various county treasurers shall be credited to the general fund of the county.".

2. Renumber the remaining sections and correct internal references accordingly.

3. Correct the operative date provision and repealer so that sections 77-1233.04, 77-1233.05, and 77-2701 and section 179 become operative on January 1, 1992, sections 77-2703, 77-2708, 77-27,136, and 77-27,137 become operative on their effective date, and sections 29 and 37, Legislative Bill 871, Ninety-second Legislature, Second Session, 1992, become operative on July 1, 1992.

SPEAKER BAACK PRESIDING

Mr. Withem moved the previous question. The question is, "Shall the debate now close?"

Mr. Withem moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

The motion to cease debate prevailed with 25 ayes, 4 nays, and 20 not voting.

Mr. Moore requested a record vote on the third Warner et al. amendment, FA291.

Voting in the affirmative, 27:

Abboud
Ashford
Baack
Bernard-Stevens
Beutler
Beyer
Byars
Chizek
Conway
Crosby
Cudaback
Hartnett
Hillman
Horgan
Kristensen
Labedz
Landis
Lindsay
Nelson
Rasmussen
Robak
Robinson
Schimek
Warner
Wehrbein
Wesely
Will

Voting in the negative, 16:

Bohlke
Coordsen
Dierks
Elmer
Haberman
Hefner
Johnson, L.
Lamb
Lynch
Moore
Morrissey
Peterson
Schellpeper
Schmit
Schrock
Wickersham

Present and not voting, 4:

Chambers
Hall
Johnson, R.
Withem

Excused and not voting, 2:

Pirsch
Rogers

The third Warner et al. amendment was adopted with 27 ayes, 16 nays, 4 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Mr. Warner offered the following amendment to the Warner et al. pending amendment, AM3048, as amended:
AM3257

(Amendments to AM3246)

1. On page 34, line 12, strike the comma; and strike lines 15 through 23 and insert "taxable valuation of agricultural income-producing personal property in a particular county to the total amount of taxable valuation of agricultural income-producing personal property in all counties based on the amounts certified by the State Board of Equalization and Assessment to the counties.".

Messrs. Lynch and Elmer asked unanimous consent to be excused until they return. No objections. So ordered.

The Warner amendment was adopted with 15 ayes, 1 nay, 29 present and not voting, and 4 excused and not voting.

Mr. Warner offered the following amendment to the Warner et al. pending amendment, AM3048:
AM3252

(Amendments to AM3048)

1. On page 200, after line 4 insert the following new subsection:

"(3) A county board may increase property taxes by a specific dollar amount greater than that permitted by subsection (1) of this section not to exceed the dollar amount of reduction in state aid to the county resulting from the changes made to section 77-27,136 by this legislative bill."; and in line 5 strike "(3)", show as stricken, and insert "(4)".

The Warner amendment was adopted with 16 ayes, 0 nays, 29 present and not voting, and 4 excused and not voting.

The Warner et al. pending amendment, AM3048, as amended, was renewed.

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

MR. CONWAY PRESIDING

PRESIDENT MOUL PRESIDING

Messrs. Chambers and Haberman asked unanimous consent to be excused. No objections. So ordered.

Mr. Chizek asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Withem moved the previous question. The question is, "Shall the debate now close?"

Mr. Withem moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Mr. Withem requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 26:

Abboud
Ashford
Beutler
Beyer
Bohlke
Byars
Chizek
Conway
Crosby
Cudaback
Hartnett
Hillman
Horgan
Johnson, R.
Kristensen
Labedz
Landis
Lindsay
Nelson
Rasmussen
Robak
Warner
Wehrbein
Wesely
Will
Withem

Voting in the negative, 10:

Coordsen
Hall
Hefner
Johnson, L.
Lamb
Moore
Morrissey
Schellpeper
Schmit
Wickersham

Present and not voting, 8:

Baack
Bernard-Stevens
Elmer
Lynch
Peterson
Robinson
Schimek
Schrock

Excused and not voting, 5:

Chambers
Dierks
Haberman
Pirsch
Rogers

The motion to cease debate prevailed with 26 ayes, 10 nays, 8 present and not voting, and 5 excused and not voting.

The Warner et al. pending amendment, AM3048, as amended, was adopted with 28 ayes, 11 nays, 5 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Pending.

MESSAGE FROM THE GOVERNOR

March 4, 1992

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 175, 878, 879, 906, 928, and 933 were received in my office on March 3, 1992.

These bills were signed by me on March 4, 1992, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

UNANIMOUS CONSENT - Print in Journal

Messrs. Warner, Landis, and Withem asked unanimous consent to print the following amendment to LR 219CA in the Journal. No objections. So ordered.

AM3187

(Amendments to Standing Committee amendments, AM2861)

1. On page 2, strike beginning with "unless" in line 1 through "direct" in line 4 and insert "not exempted by this Constitution or by legislation, shall all be taxed at depreciated cost using the same depreciation method with reasonable class lives, as determined by the Legislature, or shall all be taxed by valuation uniformly and proportionately".

2. On page 3, line 17, after "which" insert "such"; and in line 22 strike "may" and insert "shall".

3. On page 4, line 11, after the period insert "Each actual property tax rate levied for a governmental subdivision shall be the same for all classes of taxed property and franchises.".

4. On page 7, strike beginning with "Passage" in line 12 through line 16 and insert "Notwithstanding Article I, section 16, Article III, section 18, or Article VIII, section 1 or 4 of this Constitution or any other provision of this Constitution to the contrary, amendments to Article VIII of this Constitution passed in 1992 shall be effective from and after January 1, 1992, and existing revenue laws and legislative acts passed in the regular legislative session of 1992, not inconsistent with this Constitution as amended,", and strike line 24.

5. On page 8, strike lines 1 through 12 and insert " 'A constitutional amendment to separate tangible personal property from the uniform and proportionate provision applicable to real property, to provide for the valuation of taxable tangible personal property at depreciated cost or at actual value uniformly and proportionately, to provide for the separate classification of property and franchises protected by federal law, to harmonize a provision relating to the limitation on county taxes, and to provide that legislation passed in the regular 1992 legislative session shall be effective January 1, 1992, and is ratified and confirmed by this".

ADJOURNMENT

At 5:35 p.m., on a motion by Speaker Baack, the Legislature adjourned until 9:00 a.m., Thursday, March 5, 1992.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-SEVENTH DAY - MARCH 5, 1992

LEGISLATIVE JOURNAL

NINETY-SECOND LEGISLATURE
SECOND SESSION

THIRTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 5, 1992

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Baack presiding.

PRAYER

The prayer was offered by Rev. Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Mrs. Pirsch who was excused; and Messrs. Abboud, Ashford, Chambers, Landis, Lindsay, Morrissey, Rogers, Schmit, Schrock, Mmes. Labedz, Rasmussen, and Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-sixth day was approved.

REPORT

Received from the Lincoln Training Resource Center proposed Job Training Plan for the Greater Lincoln Service Delivery Area and proposed Title III Plan.

RESOLUTIONS

LEGISLATIVE RESOLUTION 251. Read. Considered.

LR 251 was adopted with 26 ayes, 0 nays, and 23 not voting.

LEGISLATIVE RESOLUTION 252. Read. Considered.

Mr. Dierks asked unanimous consent to have his name added as cointroducer to LR 252. No objections. So ordered.

LR 252 was adopted with 29 ayes, 0 nays, and 20 not voting.

SELECT FILE

LEGISLATIVE BILL 308. Mr. Warner withdrew his pending amendment, AM2883, found in the Journal on page 825.

Mr. Warner renewed his pending amendment, AM2955, found in the Journal on page 1116.

The Warner amendment was adopted with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 308A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 746. E & R amendment, AM5262, found in the Journal on page 855, was adopted.

Mr. Will offered the following amendment:
AM3273

1. Insert the following new sections:

"Sec. 17. No metropolitan utilities district may extend or enlarge its service area unless it is economically feasible to do so. In determining whether or not to extend or enlarge its service area, the district shall take into account the cost of such extension or enlargement to its existing ratepayers.

All books, records, vouchers, papers, contracts, or other data indicating the economic feasibility of such extension or enlargement shall be filed with the secretary of the board of directors of the district and shall be open to public inspection.

Sec. 80. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 21, line 7, after the period insert "Any such district shall have the power to condemn or to exercise the power of eminent domain to acquire parts of an existing utility's facilities only when such facilities are within, annexed to, or otherwise consolidated within the corporate boundary limits of a city of the metropolitan class.".

3. Renumber the remaining sections and correct internal references accordingly.

The Will amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Advanced to E & R for engrossment.

MR. CONWAY PRESIDING

LEGISLATIVE BILL 898. E & R amendment, AM5256, found in the Journal on page 859, was adopted.

Mr. Beutler offered the following amendment:
FA292

1. On page 3, line 2, strike "and"; and in line 9 after "board" insert "; and

(c) Prepare, distribute, and update a policy manual for members of the Legislature.

The Beutler amendment lost with 8 ayes, 12 nays, 23 present and not voting, and 6 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 989. E & R amendment, AM5257, found in the Journal on page 859, was adopted.

Mr. Baack renewed his pending amendment, AM3019, found in the Journal on page 915.

The Baack amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Advanced to E & R for engrossment.

SPEAKER BAACK PRESIDING

RESOLUTIONS

LEGISLATIVE RESOLUTION 253. Introduced by Rogers, 41.

WHEREAS, the North Loup Division, Pick-Sloan Missouri Basin Program, in Nebraska, also known as the Twin Loups Project, has been in existence for forty years and will provide irrigation and recreation in north-central Nebraska; and

WHEREAS, this project has had the support of four previous Nebraska Governors and is supported by Governor E. Benjamin Nelson; and

WHEREAS, the project is presently about eighty-five percent complete and the remaining fifteen percent will be complete as soon as possible; and

WHEREAS, the remaining money is crucial to the completion of the project and to the storage and use of precious surface water; and

WHEREAS, President Bush's budget for FY1992-93 appropriated eighteen million seven hundred eighty thousand dollars needed to continue the project; and

WHEREAS, the majority of the project's cost has already been expended to build the Calamus Dam, the Davis Creek Dam, and the irrigation distribution features.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Nebraska Legislature supports the Twin Loups Project.
2. That the Nebraska Legislature urges the respective subcommittees on Energy and Water Development of the Appropriations Committees of the United State Senate and House of Representatives to appropriate sufficient funds in the amount of eighteen million seven hundred eighty thousand dollars to continue construction and progress toward completion of the Twin Loups Project.
3. That copies of this resolution be transmitted to Representative William E. Barrett and be presented to the respective Appropriations Committees of the United States Senate and House of Representatives.

Laid over.

LEGISLATIVE RESOLUTION 254. Introduced by Rogers, 41.

WHEREAS, agriculture is recognized as Nebraska's most important single industry and is the backbone of the state's economy; and

WHEREAS, Nebraska's cultural heritage is founded on a strong rural background, the values of which continue to be the basis of our society today; and

WHEREAS, the economic growth of manufacturing, retail sales, and service industries in the state are dependent upon a healthy agricultural community; and

WHEREAS, Nebraska farmers and ranchers are exhibiting the strength, durability, and innovation shared by their pioneer forefathers in meeting the challenges and opportunities of today's agricultural economy; and

WHEREAS, it is appropriate for all Nebraska citizens to recognize the significance and appreciate the importance of agriculture's relationship to our state economy and general well-being; and

WHEREAS, National Agriculture Week and National Agriculture Day have been established to focus national attention and appreciation on America's farmers and ranchers; and

WHEREAS, E. Benjamin Nelson, Governor of the State of Nebraska, has proclaimed the week of March 15 through March 21, 1992, as State Agriculture Week throughout the state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature declares March 15 through March 21, 1992, as State Agriculture Week in Nebraska in conjunction with National Agriculture Week.
2. That the Legislature urges Nebraskans to honor and thank Nebraska's farmers and ranchers by supporting and participating in State Agriculture Week in Nebraska.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 1063. Mr. Moore withdrew his pending amendment, AM3138, found in the Journal on page 1012.

Mr. R. Johnson withdrew his pending amendment, AM3097, found in the Journal on page 1022.

Mr. Hefner withdrew his pending amendments, AM3158 and AM3167, found in the Journal on pages 1040 and 1056.

Mr. Lamb withdrew his pending amendment, AM3151, found in the Journal on page 1041.

Mr. Moore renewed his pending amendment, AM3189, found in the Journal on page 1068.

Mr. Moore withdrew his pending amendment.

Mr. Elmer offered the following amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM3218.)

MR. WARNER PRESIDING

PRESIDENT MOUL PRESIDING

Mr. Warner moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Mr. Hall requested a roll call vote on the Elmer amendment.

Voting in the affirmative, 19:

Coordsen
Cudaback
Dierks
Elmer
Haberman
Hall
Hefner
Johnson, L.
Johnson, R.
Lamb
Lynch
Moore
Morrissey
Peterson
Robinson
Rogers
Schellpeper
Schmit
Schrock

Voting in the negative, 16:

Abboud
Baack
Bohlke
Conway
Crosby
Hillman
Kristensen
Landis
Lindsay
Nelson
Rasmussen
Schimek
Warner
Wehrbein
Will
Withem

Present and not voting, 11:

Bernard-Stevens
Beutler
Beyer
Byars
Chambers
Chizek
Hartnett
Horgan
Labedz
Robak
Wickersham

Absent and not voting, 2:

Ashford
Wesely

Excused and not voting, 1:

Pirsch

The Elmer amendment lost with 19 ayes, 16 nays, 11 present and not voting, 2 absent and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Mr. Coordsen offered the following amendment:
FA293
Amend AM3048:
On page 73, line 14, strike "increased" and insert "decreased".

Messrs. Peterson, R. Johnson, and Beutler asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 255. Introduced by Schrock, 39; Chizek, 31; Morrissey, 1.

WHEREAS, Nebraska Good Seed Week is an annual observance which focuses statewide attention on the important contributions and the benefits that crop seed and the crop seed industry make to the Nebraska economy; and

WHEREAS, the official observance for Nebraska Good Seed Week 1992 is March 8 to 14, 1992, a significant time of year in decisionmaking and planning for spring seeding, a time when choices of seed variety, seed source, and seed quality are being made, and a time of the reawakening of the wheat crop from winter dormancy; and

WHEREAS, the objective of the Nebraska farmer is to get the greatest possible dollar return for every dollar invested and nothing in crop production can offer a better return to the farmer than an investment in high-quality seed of adapted improved varieties; and

WHEREAS, the scheduling of Nebraska Good Seed Week is symbolic, as all across the nation people will celebrate agriculture during the week of March 15 to 21, 1992, and National Ag Day is March 20, 1992. Therefor, Nebraska Good Seed Week is held first because "Good agriculture begins with good seed"; and

WHEREAS, on March 15, 1902, seven men interested in maintaining Nebraska's position among the corn-growing states first met to organize the Nebraska Corn Improvers' Association. The objective of the association, as expressed by its organizers, was "...to promote the growing of corn in Nebraska by improvement of seed and in methods of tillage and such other means as the Association should adopt...". Through the years and adapting to changes and needs in agriculture, the original Nebraska Corn Improvers' Association evolved into today's Nebraska Crop Improvement Association which this year observes its ninetieth year of service to agriculture; and

WHEREAS, the passage of House Roll 67 on March 16, 1931, provided for certification as to quality of seeds produced and sold in Nebraska. House Roll 67 was introduced and fostered by J.S. Steele, a Kimball county wheat farmer, longtime leader in the Nebraska Farm Bureau Federation, and member of the Nebraska House of Representatives from 1931 to 1935. The legislation is now part of the Nebraska Seed Law and is regulated by the Department of Agriculture and administered by the Nebraska Crop Improvement Association; and

WHEREAS, Nebraska Statehood Day is March 1, and the sower which stands atop the State Capitol in Lincoln was placed there to emphasize the importance of agriculture in the state, an emphasis which is especially significant in this quasquicentennial year of the state. While the importance of agriculture has not changed over the years, farming techniques have. Today, it is vital that the farmer make careful plans for the most return from the investment made in each acre. A key decision in those plans is the selection and planting of high-quality seed.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature recognizes the importance of seed variety, seed source, and seed quality to the agricultural sector of Nebraska's economy.
2. That the Legislature recognizes and commends the work by plant breeders, seed producers, and seed distributors who, through cooperative efforts with the Nebraska Crop Improvement Association, the Nebraska Seed Trade Association, the Department of Agriculture, and the Agricultural Resources Division of the University of Nebraska Institute of Agriculture and Natural Resources, develop and maintain high-quality seeds for the benefit of Nebraska farmers.
3. That the Legislature recognizes the week of March 8 to 14, 1992, as Nebraska Good Seed Week.

Laid over.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1138A. Introduced by Rogers, 41.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1138, Ninety-second Legislature, Second Session, 1992.

VISITORS

Visitors to the Chamber were 14 students and sponsor from Chadron High School; 13 students and teacher from Northeast High School, Lincoln; group from the Nebraska Nurses' Association; 16 students and teacher from Wilcox High School; and Jerry Atkinson from Norfolk.

RECESS

At 11:56 a.m., on a motion by Mr. Hall, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Moul presiding.

ROLL CALL

The roll was called and all members were present except Mrs. Pirsch who was excused; and Mr. Morrissey who was excused until he arrives.

GENERAL FILE

LEGISLATIVE BILL 1063. The Coordsen pending amendment, FA293, found in this day's Journal, was renewed.

Mr. Withem moved the previous question. The question is, "Shall the debate now close?" The motion lost with 6 ayes, 7 nays, and 36 not voting.

Mr. Coordsen moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. Coordsen requested a roll call vote on his amendment.

Voting in the affirmative, 21:

Byars
Coordsen
Cudaback
Dierks
Elmer
Haberman
Hall
Hefner
Johnson, L.
Johnson, R.
Lamb
Lynch
Moore
Nelson
Peterson
Robinson
Rogers
Schellpeper
Schmit
Schrock
Wickersham

Voting in the negative, 17:

Baack
Bernard-Stevens
Conway
Crosby
Hartnett
Hillman
Horgan
Kristensen
Labedz
Landis
Lindsay
Robak
Warner
Wehrbein
Wesely
Will
Withem

Present and not voting, 9:

Abboud
Ashford
Beutler
Beyer
Bohlke
Chambers
Chizek
Rasmussen
Schimek

Excused and not voting, 2:

Morrissey
Pirsch

The Coordsen amendment lost with 21 ayes, 17 nays, 9 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Messrs. Hall and Schmit moved to indefinitely postpone LB 1063.

Mr. L. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Hall moved for a call of the house. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

Mr. Hall requested a roll call vote on the motion to indefinitely postpone.

Voting in the affirmative, 14:

Coordsen
Dierks
Elmer
Haberman
Hall
Hefner
Lamb
Lynch
Moore
Morrissey
Peterson
Rogers
Schellpeper
Schmit

Voting in the negative, 31:

Abboud
Ashford
Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Byars
Chizek
Conway
Crosby
Hartnett
Hillman
Horgan
Johnson, R.
Kristensen
Labedz
Landis
Lindsay
Nelson
Rasmussen
Robak
Robinson
Schimek
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Present and not voting, 2:

Chambers
Cudaback

Excused and not voting, 2:

Johnson, L.
Pirsch

The Hall-Schmit motion to indefinitely postpone lost with 14 ayes, 31 nays, 2 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Mrs. Rasmussen asked unanimous consent to be excused. No objections. So ordered.

Messrs. Wickersham and Kristensen asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER BAACK PRESIDING

Mrs. Labedz moved the previous question. The question is, "Shall the debate now close?"

Mrs. Labedz moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

The motion to cease debate prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Hall requested a record vote on the advancement of the bill.

Voting in the affirmative, 27:

Abboud
Ashford
Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Byars
Chizek
Conway
Crosby
Hartnett
Hillman
Horgan
Kristensen
Labedz
Landis
Lindsay
Nelson
Robak
Robinson
Schimek
Warner
Wehrbein
Wesely
Will
Withem

Voting in the negative, 15:

Coordsen
Cudaback
Dierks
Elmer
Haberman
Hall
Hefner
Lamb
Lynch
Moore
Morrissey
Peterson
Rogers
Schellpeper
Schmit

Present and not voting, 3:

Chambers
Johnson, R.
Schrock

Excused and not voting, 4:

Johnson, L.
Pirsch
Rasmussen
Wickersham

Advanced to E & R for review with 27 ayes, 15 nays, 3 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

UNANIMOUS CONSENT - Expedite LB 1063

Mr. Warner asked unanimous consent to expedite LB 1063. No objections. So ordered.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 428A. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 428, Ninety-second Legislature, Second Session, 1992.

UNANIMOUS CONSENT - Print in Journal

Mr. Withem asked unanimous consent to print the following amendment to LB 1045 in the Journal. No objections. So ordered.

AM3205

1. On page 2, line 14, strike "or" and insert an underscored comma; and in line 15 after "equivalency" insert ", or is enrolled in an alternative educational program provided by school districts, community colleges, or private vocational or technical schools".

Mr. Ashford asked unanimous consent to print the following amendment to LB 710 in the Journal. No objections. So ordered.

AM3249

1. Insert the following new section:

"Sec. 2. That section 21-2219, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

21-2219. A professional corporation organized under the provisions of ~~sections 21-2201 to 21-2222~~ the Nebraska Professional Corporation Act may consolidate or merge only with another domestic professional corporation organized under ~~sections 21-2201 to 21-2222~~ the act to render the same professional service~~. A merger or consolidation with any foreign corporation is prohibited~~ or with a foreign professional corporation admitted or which would qualify to be admitted under the act to render the same professional service.".

2. On page 2, line 5, after "services" insert ". Notwithstanding any other provision of the Nebraska Professional Corporation Act, no shareholder, director, officer, employee, or agent of a professional corporation shall be required to be licensed to render professional services in this state or to reside in this state if such shareholder, director, officer, employee, or agent does not render professional services in this

state and is licensed in one or more states or territories of the United States or the District of Columbia to render a professional service described in the professional corporation's articles of incorporation"; and in lines 10 and 11, 16 and 17, and 22 strike "Nebraska Professional Corporation Act", show as stricken, and insert "act".

3. In the E & R amendment, AM5255, on page 1, line 6, strike "2" and insert "3"; in line 8 strike "3" and insert "4"; in lines 8 and 12 strike "section 21-2201" and insert "sections 21-2201 and 22-2219"; and in line 15 strike "section" and insert "sections".

4. Renumber the remaining section accordingly.

GENERAL FILE

LEGISLATIVE BILL 1120. Mr. Hall renewed his pending motion, found in the Journal on page 1066, to indefinitely postpone.

Mr. Hall moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. Hall requested a roll call vote on his motion to indefinitely postpone.

Voting in the affirmative, 20:

Abboud
Ashford
Baack
Beutler
Bohlke
Chizek
Conway
Crosby
Hall
Hartnett
Hillman
Horgan
Labedz
Landis
Lindsay
Robak
Schimek
Wesely
Will
Withem

Voting in the negative, 20:

Beyer
Byars
Coordsen
Cudaback
Dierks
Elmer
Haberman
Hefner
Johnson, R.
Lamb
Lynch
Moore
Morrissey
Nelson
Peterson
Robinson
Rogers
Schellpeper
Schmit
Wickersham

Present and not voting, 6:

Bernard-Stevens
Chambers
Kristensen
Schrock
Warner
Wehrbein

Excused and not voting, 3:

Johnson, L.
Pirsch
Rasmussen

The Hall motion to indefinitely postpone lost with 20 ayes, 20 nays, 6 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mr. Hall offered the following amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM3122.)

MR. CONWAY PRESIDING

Mr. Hall moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Hall requested a roll call vote on his amendment.

Voting in the affirmative, 17:

Abboud
Byars
Chizek
Conway
Coordsen
Dierks
Elmer
Haberman
Hall
Hefner
Hillman
Lynch
Moore
Morrissey
Peterson
Schellpeper
Schmit

Voting in the negative, 8:

Beyer
Crosby
Cudaback
Lamb
Landis
Lindsay
Warner
Wehrbein

Present and not voting, 20:

Baack
Bernard-Stevens
Beutler
Bohlke
Chambers
Hartnett
Horgan
Johnson, R.
Kristensen
Labedz
Nelson
Robak
Robinson
Rogers
Schimek
Schrock
Wesely
Wickersham
Will
Withem

Absent and not voting, 1:

Ashford

Excused and not voting, 3:

Johnson, L. Pirsch Rasmussen

The Hall amendment lost with 17 ayes, 8 nays, 20 present and not voting, 1 absent and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mr. Hall asked unanimous consent to bracket LB 1120 until March 16, 1992. No objections. So ordered.

UNANIMOUS CONSENT - Member Excused

Mr. Ashford asked unanimous consent to be excused until he returns. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Withem asked unanimous consent to print the following amendment to LB 922 in the Journal. No objections. So ordered.

AM3279

1. On page 2, line 11, strike "six" and insert "twelve"; strike lines 13 through 17; in line 18 strike "(3)" and insert "(2)"; and in line 25 strike "(4)" and insert "(3)".
2. On page 3, line 4, after "evidence" insert "annually"; in line 12 after "evidence" insert "annually"; strike beginning with "conduct" in line 17 through "measure" in line 18 and insert "design an authentic assessment system to assess"; in line 19 strike "surveys" and insert "baseline assessment"; and strike beginning with "One" in line 20 through "surveys" in line 24 and insert "A second assessment".
3. On page 4, line 3, strike "survey" and insert "assessment to the legislature, the State Board of Education, and each school district"; in line 5 strike "surveys" and insert "assessments"; and strike beginning with "after" in line 14 through the comma in line 15 and show as stricken.

Mr. Moore asked unanimous consent to print the following amendment to LB 1063 in the Journal. No objections. So ordered.

AM3276

1. Insert the following new sections:

"Sec. 196. That section 77-4101, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-4101. Sections 77-4101 to 77-4112 and section 197 of this act shall be known and may be cited as the Employment and Investment Growth Act.

Sec. 197. (1) Any purchaser of tangible personal property which is eligible for a sales and use tax credit pursuant to the Employment and Investment Growth Act shall, in addition to filing the forms with the Tax Commissioner required by the act, file a schedule listing the tangible personal property on which the sales or use tax was paid with the county assessor of the county in which the property is located and with the Tax Commissioner.

(2) The schedule required to be filed by this section shall specifically identify the particular items of tangible personal property and the price paid for those items and the county in which the item is located at the time of the filing. The information required by this section may be disclosed to any other tax official of this state.

(3) If the purchaser fails to submit a copy of the schedule of tangible personal property required to be filed pursuant to this section to the county assessor of the county in which the property is located prior to filing the forms for the credit with the Tax Commissioner, the purchaser shall be deemed to have waived his or her claim to a credit of any sales and use taxes paid on the purchase of the tangible personal property.

(4) The Tax Commissioner may recover any credit granted as underpayment of sales tax if a refund was allowed and a schedule as required by this section was not submitted to the county assessor and the Tax Commissioner.".

2. Renumber the remaining sections and correct internal references accordingly.

3. Correct the repealer so that the sections added by this legislative bill become operative on their effective date.

UNANIMOUS CONSENT - Member Excused

Mr. Haberman asked unanimous consent to be excused. No objections. So ordered.

GENERAL FILE

LEGISLATIVE RESOLUTION 219CA. Read. Considered.

Standing Committee amendment, AM2861, found in the Journal on page 815, was considered.

Messrs. Warner, Landis, and Withem renewed their pending amendment, AM3187, found in the Journal on page 1151, to the Standing Committee amendment.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Warner requested a division of the question on the Warner et al. pending amendment.

The Chair sustained the division of the question.

The first Warner et al. amendment, to the Standing Committee amendment, is as follows:

FA294

(Amendments to Standing Committee amendments, AM2861)

1. On page 2, strike beginning with "unless" in line 1 through "direct" in line 4 and insert "not exempted by this Constitution or by legislation, shall all be taxed at depreciated cost using the same depreciation method with reasonable class lives, as determined by the Legislature, or shall all be taxed by valuation uniformly and proportionately".

SPEAKER BAACK PRESIDING

The first Warner et al. amendment was adopted with 14 ayes, 5 nays, 25 present and not voting, and 5 excused and not voting.

Messrs. Dierks and Beyer asked unanimous consent to be excused until they return. No objections. So ordered.

The second Warner et al. amendment, to the Standing Committee amendment, is as follows:
FA295
(Amendments to Standing Committee amendments, AM2861)
2. On page 3, line 17, after "which" insert "such"; and in line 22 strike "may" and insert "shall".

Messrs. Lynch, Rogers, and Chambers asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Hall moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

Mr. Hall requested a roll call vote on the Warner et al. amendment.

Voting in the affirmative, 22:

Abboud
Baack
Bernard-Stevens
Bohlke
Byars
Conway
Crosby
Cudaback
Hartnett
Hillman
Horgan
Kristensen
Labedz
Landis
Lindsay
Nelson
Robak
Schrock
Warner
Wehrbein
Wickersham
Withem

Voting in the negative, 6:

Hall
Lynch
Moore
Morrissey
Schmit
Will

Present and not voting, 14:

Beutler
Chizek
Coordsen
Dierks
Elmer
Hefner
Johnson, L.
Johnson, R.
Lamb
Peterson
Robinson
Schellpeper
Schimek
Wesely

Excused and not voting, 7:

Ashford
Beyer
Chambers
Haberman
Pirsch

Rasmussen Rogers

The second Warner et al. amendment was adopted with 22 ayes, 6 nays, 14 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Messrs. Lamb and Lynch asked unanimous consent to be excused until they return. No objections. So ordered.

The third Warner et al. amendment, to the Standing Committee amendment, is as follows:
FA296

(Amendments to Standing Committee amendments, AM2861)

3. On page 4, line 11, after the period insert "Each actual property tax rate levied for a governmental subdivision shall be the same for all classes of taxed property and franchises.".

MR. CONWAY PRESIDING

The third Warner et al. amendment was adopted with 18 ayes, 2 nays, 20 present and not voting, and 9 excused and not voting.

The fourth Warner et al. amendment, to the Standing Committee amendment, is as follows:
FA297

(Amendments to Standing Committee amendments, AM2861)

4. On page 7, strike beginning with "Passage" in line 12 through line 16 and insert "Notwithstanding Article I, section 16, Article III, section 18, or Article VIII, section 1 or 4 of this Constitution or any other provision of this Constitution to the contrary, amendments to Article VIII of this Constitution passed in 1992 shall be effective from and after January 1, 1992, and existing revenue laws and legislative acts passed in the regular legislative session of 1992, not inconsistent with this Constitution as amended,", and strike line 24.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER BAACK PRESIDING

Mrs. Bohlke asked unanimous consent to be excused. No objections. So ordered.

The fourth Warner et al. amendment was adopted with 15 ayes, 2 nays, 22 present and not voting, and 10 excused and not voting.

Mr. Wehrbein asked unanimous consent to be excused. No objections. So ordered.

The fifth Warner et al. amendment, to the Standing Committee amendment, is as follows:
FA298

(Amendments to Standing Committee amendments, AM2861)

5. On page 8, strike lines 1 through 12 and insert " 'A constitutional amendment to separate tangible personal property from the uniform and proportionate provision applicable to real property, to provide for the valuation of taxable tangible personal property at depreciated cost or at actual value uniformly and proportionately, to provide for the separate classification of property and franchises protected by federal law, to harmonize a provision relating to the limitation on county taxes, and to provide that legislation passed in the regular 1992 legislative session shall be effective January 1, 1992, and is ratified and confirmed by this".

The fifth Warner et al. amendment was adopted with 15 ayes, 0 nays, 23 present and not voting, and 11 excused and not voting.

Mr. Hall asked unanimous consent to replace his pending amendment, AM3110, found in the Journal on page 995, with a substitute amendment. No objections. So ordered.

Mr. Hall withdrew his pending amendment, AM3110, found in the Journal on page 995.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hall offered the following substitute amendment, to the Standing Committee amendment:
FA299
Amend AM3187
1. On page 1, line 4, strike "at" and insert "uniformly and proportionately based on"

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

Messrs. Coordsen, Hefner, L. Johnson, and Peterson asked unanimous consent to be excused. No objections. So ordered.

Mr. Hall moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. Hall requested a roll call vote on his amendment.

Voting in the affirmative, 16:

Ashford
Dierks
Elmer
Hall
Hartnett
Lamb
Lindsay
Lynch
Moore
Morrissey
Rogers
Schellpeper
Schimek
Schmit
Wesely
Will

Voting in the negative, 20:

Abboud
Baack
Bernard-Stevens
Beutler
Beyer
Byars
Conway
Crosby
Cudaback
Hillman
Horgan
Kristensen
Labedz
Nelson
Robak
Robinson
Schrock
Warner
Wickersham
Withem

Present and not voting, 1:

Chizek

Excused and not voting, 12:

Bohlke
Chambers
Coordsen
Haberman
Hefner
Johnson, L.
Johnson, R.
Landis
Peterson
Pirsch
Rasmussen
Wehrbein

The Hall amendment lost with 16 ayes, 20 nays, 1 present and not voting, and 12 excused and not voting.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Schellpeper asked unanimous consent to print the following amendment to LB 1061 in the Journal. No objections. So ordered.

AM3277

(Amendments to E & R amendments, AM5265)

1. Insert the following new section:

"Section 1. That section 2-1203.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-1203.01. The State Racing Commission shall:

(1) Enforce all state laws covering horseracing as required by sections 2-1201 to 2-1229 and enforce rules and regulations adopted and promulgated by the commission under the authority of section 2-1203;

(2) License racing industry participants, race officials, mutuel employees, concessionaires, and such other persons as deemed necessary by the commission if the license applicants meet eligibility standards established by the commission;

(3) Prescribe and enforce security provisions, including, but not limited to, the restricted access to areas within track enclosures and backstretch areas, and prohibitions against misconduct or corrupt practices;

(4) Determine or cause to be determined by chemical testing and analysis of body fluids whether or not any prohibited substance has been administered to the winning horse of each race and any other horse selected by the board of stewards;

(5) Verify the certification of horses registered as being Nebraska-bred under section 2-1213; ~~and~~

(6) Collect and verify the amount of revenue received by the commission under section 2-1208; and

(7) Issue licenses to persons pursuant to subdivision (2) of this section and charge fees not to exceed those set forth in this subdivision.

(a) Admission Employee	$15.00
(b) Apprentice Jockey	50.00
(c) Assistant Starter	20.00
(d) Assistant Trainer	40.00
(e) Authorized Agent	15.00
(f) Concession Employee	15.00
(g) Concession Operator	
Minimum	25.00
Gross sales over $50,000 through $200,000 or less	50.00
Gross sales over $200,000	100.00
(h) Custodian (Jockey room)	30.00
(i) Duplicate License	10.00
(j) Exercise Rider	30.00
(k) Family Pass	10.00
(l) Groom (Hot walker)	15.00
(m) Horseman's Bookkeeper	30.00
(n) Jockey	50.00
(o) Jockey Agent (Per rider)	25.00
Limit two riders per agent	
(p) Mutuel Employee	20.00
(q) Official	30.00
(r) Owner	30.00
(s) Owner-Trainer	50.00
(t) Partnership	15.00
(u) Photo-Finish Operator	
25 race days or less	25.00
26 through 50 race days	50.00
More than 50 race days	100.00
(v) Plater (Horseshoer)	30.00
(w) Pony Person-Outrider	30.00
(x) Security Guard	15.00
(y) Stable Foreman	40.00
(z) Stable Name	50.00
(aa) Track Photographer	
25 race days or less	25.00
26 through 50 race days	50.00
More than 50 race days	100.00
(bb) Trainer	40.00
(cc) Valet	30.00
(dd) Veterinarian (Practicing)	
25 race days or less	25.00
26 through 50 race days	50.00

More than 50 racy days 100.00
(ee) Veterinary Assistant.......... 20.00".

2. On page 5, lines 10 and 13, after "handle" insert "from live racing".

3. On page 7, strike line 2 and insert "used by the commission as provided in section 2-1209.".

4. On page 9, line 7, strike "This" and insert "The requirements of subdivision (2) of this".

5. On page 11, line 2, after "or" insert "to"; in line 6 strike the comma and insert "or"; in line 7 strike ", or other arrangement"; and in line 10 strike ", agreement, or arrangement" and insert "or agreement".

6. On page 12, line 2, after "sections" insert "2-1203.01,"; in line 8 strike "after '2-1205' " and insert "strike '2-1205' and"; and in line 9 after the first quotation marks insert "2-1203.01, 2-1205".

7. Renumber the remaining sections accordingly.

Mr. Wickersham asked unanimous consent to print the following amendment to LB 1063 in the Journal. No objections. So ordered.

AM3266

(Amendments to AM3048)

1. Insert the following new section:

"Sec. 50. Purchase shall include taking by sale, discount, negotiation, or any other transaction for value creating an interest in property except liens. Purchase shall not include transfers for stock or interests upon creation, dissolution, or any other reorganization of any corporation, partnership, trust, or other entity.".

2. On page 71, line 12, strike "49" and insert "50".

3. On page 73, line 20, after "is" insert "purchased, which is"; and in line 22 after "income" insert an underscored comma.

4. On page 78, line 14, after the period insert "Property subject to taxation transferred as a gift or devise or as part of a transaction which is not a purchase shall remain subject to taxation based upon the date the property became subject to tax and its

Nebraska adjusted basis.".

5. Correct the operative date provision so that section 50 added by this amendment becomes operative January 1, 1992.

6. Renumber the remaining sections and correct the internal references accordingly.

Mr. Wickersham asked unanimous consent to print the following amendment to LB 1063 in the Journal. No objections. So ordered.

AM3272

1. Insert the following new section:

"Sec. 90. If a constitutional amendment amending Article VIII of the Constitution of Nebraska is adopted in 1992, for the year of purchase of tangible personal property the purchaser or purchasers of such property shall not be liable for personal property tax on the first ten thousand dollars of taxable value of the property purchased during the year.".

2. Renumber the remaining sections and correct internal references accordingly.

3. Correct the operative date provision so that the section added by this amendment becomes operative on January 1, 1992.

Mr. Lindsay asked unanimous consent to print the following amendment to LR 219CA in the Journal. No objections. So ordered.

AM3284

1. In FA294, on page 1, line 3, after "legislation" insert "enacted prior to December 31, 1992,".

VISITORS

Visitors to the Chamber were 77 fifth grade students and sponsor from Calvert Elementary, Lincoln; Dudley, Marge, and Eric Nelson from Axtell; and Louis Vandersnick from Ewing.

The Doctor of the Day was D.J. Loschen from York.

ADJOURNMENT

At 8:18 p.m., on a motion by Mr. Conway, the Legislature adjourned until 9:00 a.m., Friday, March 6, 1992.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-EIGHTH DAY - MARCH 6, 1992

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

NINETY-SECOND LEGISLATURE
SECOND SESSION

THIRTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, March 6, 1992

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Moul presiding.

PRAYER

The prayer was offered by Rev. Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Mmes. Pirsch and Rasmussen who were excused; and Messrs. Ashford, Bernard-Stevens, Beutler, Coordsen, Haberman, Hall, R. Johnson, Lindsay, Morrissey, Schmit, Schrock, Wickersham, and Mrs. Labedz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-seventh day was approved.

STANDING COMMITTEE REPORTS
Appropriations

LEGISLATIVE BILL 1022. Placed on General File as amended.
(Standing Committee amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM3186.)

LEGISLATIVE BILL 1268. Placed on General File.
LEGISLATIVE BILL 1241. Placed on General File.

(Signed) Scott Moore, Chairperson

UNANIMOUS CONSENT - Member Excused

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Introduce New Bill

Mr. Moore moved for the introduction of a new bill by the Appropriations Committee, Req. 1947.

The Moore motion prevailed with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1294. Introduced by Appropriations Committee: Moore, 24, Chairperson; Ashford, 6; Bernard-Stevens, 42; Crosby, 29; Hillman, 48; L. Johnson, 15; Lynch, 13; Robinson, 16; Wehrbein, 2.

A BILL FOR AN ACT relating to athletics; to amend section 11-201, Reissue Revised Statutes of Nebraska, 1943, and section 33-150, Revised Statutes Supplement, 1991; to adopt the State Athletic Act; to eliminate provisions relating to the State Athletic Commissioner, the State Athletic Commissioner's Fund, the Athletic Advisory Committee, and the Attorney General; to harmonize provisions; to provide an operative date; to repeal the original sections, and also sections 81-8,128 to 81-8,130.01, 81-8,132 to 81-8,139, and 81-8,141 to 81-8,142.01, Reissue Revised Statutes of Nebraska, 1943, and section 81-8,139.01, Revised Statutes Supplement, 1990; and to declare an emergency.

RESOLUTION

LEGISLATIVE RESOLUTION 253. Read. Considered.

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

LR 253 was adopted with 25 ayes, 0 nays, and 24 not voting.

SELECT FILE

LEGISLATIVE BILL 677A. Advanced to E & R for engrossment.
LEGISLATIVE BILL 734A. Advanced to E & R for engrossment.

GENERAL FILE

LEGISLATIVE RESOLUTION 219CA. The Standing Committee amendment, AM2861, found in the Journal on page 815 and considered on page 1170, was renewed.

Mr. Hall withdrew his pending amendments, AM3111 and AM3112, found in the Journal on page 995.

Mr. Hall renewed his pending amendment, AM3113, found in the Journal on page 995, to the Standing Committee amendment.

SPEAKER BAACK PRESIDING

Mrs. Labedz, Messrs. Conway, and Coordsen asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Hall moved for a call of the house. The motion prevailed with 8 ayes, 0 nays, and 41 not voting.

Mr. Hall requested a roll call vote on his amendment.

Voting in the affirmative, 11:

Hall
Johnson, R.
Lamb
Lynch
Moore
Morrissey
Peterson
Rogers
Schellpeper
Schmit
Will

Voting in the negative, 28:

Abboud
Ashford
Baack
Bernard-Stevens
Beutler
Bohlke
Byars
Chizek
Conway
Crosby
Cudaback
Hartnett
Hillman
Horgan
Kristensen
Labedz
Landis
Lindsay
Nelson
Robak
Robinson
Schimek
Schrock
Warner
Wehrbein
Wesely
Wickersham
Withem

Present and not voting, 8:

Beyer
Chambers
Coordsen
Dierks
Elmer
Haberman
Hefner
Johnson, L.

Excused and not voting, 2:

Pirsch
Rasmussen

The Hall amendment lost with 11 ayes, 28 nays, 8 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Mr. Lindsay renewed his pending amendment, AM3284, found in the Journal on page 1178, to the Standing Committee amendment.

Mr. Lindsay withdrew his pending amendment.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

PRESIDENT MOUL PRESIDING

Mr. Rogers asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Wehrbein moved the previous question. The question is, "Shall the debate now close?"

Mr. Wehrbein moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

The motion to cease debate prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. Haberman requested a record vote on the Standing Committee amendment, as amended.

Voting in the affirmative, 34:

Abboud
Ashford
Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Byars

Chizek
Conway
Crosby
Cudaback
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Johnson, R.
Kristensen
Labedz
Lamb
Landis
Lindsay
Nelson
Robak
Robinson
Schimek
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 11:

Coordsen
Dierks
Elmer
Haberman
Hall
Lynch
Moore
Morrissey
Peterson
Schellpeper
Schmit

Present and not voting, 1:

Chambers

Excused and not voting, 3:

Pirsch
Rasmussen
Rogers

The Standing Committee amendment, as amended, was adopted with 34 ayes, 11 nays, 1 present and not voting, and 3 excused and not voting.

Pending.

The Chair declared the call raised.

Messrs. Lynch and Coordsen asked unanimous consent to be excused until they return. No objections. So ordered.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of March 5, 1992. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Anderson, Linda D. - Lincoln (Withdrawn 12/31/91)	CBA Citizens Action Council

Dutra, John P. - Overland Park, KS	DowElanco
Kendrick, Leslie E. - Omaha	Opera/Omaha (Withdrawn 01/31/92)
Knowlton, Timothy S. - Battle Creek, MI	Kellogg Company
Miller, Sherry - Lincoln	Nebraska Congress of Parents and Teachers
Odvody, Marilyn - Morse Bluff	Saunders County Livestock Assoc.
Orton, Leroy W. - Lincoln	Farwell Irrigation District
Skochdopole, R. A. - Omaha (Withdrawn 02/6/92)	Philip Morris Management Corporation
Smith, Jeffery H. - Arapahoe (Withdrawn 02/28/92)	Benkelman Telephone Company
Vickers, Tom - Lincoln	American Massage Therapy Association--Nebraska Chapter
White, Mary - Lincoln (Withdrawn 03/01/92)	Nebraska Bankers Association

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bill 1294.

LB	**Committee**
1294	Government, Military and Veterans Affairs

(Signed) Jerome Warner, Chairperson
Legislative Council
Executive Board

UNANIMOUS CONSENT - Print in Journal

Ms. Schimek asked unanimous consent to print the following amendment to LB 951 in the Journal. No objections. So ordered.

AM3263

(Amendments to Standing Committee amendments, AM2806)

1. On page 1, line 6, strike "primarily".

2. On page 2, line 9, after "Establishing" insert "and enforcing"; and in line 14 strike "reasonably".

Mr. Peterson asked unanimous consent to print the following amendment to LB 473 in the Journal. No objections. So ordered.

AM2768

1. On page 4, line 1, strike "1992" and insert "1993".

Mr. Peterson asked unanimous consent to print the following amendment to LB 1241 in the Journal. No objections. So ordered.

AM3153

1. Insert the following new sections:

"Sec. 2. That section 39-1320, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-1320. (1) The department is hereby authorized to acquire, either temporarily or permanently, lands, real or personal property or any interests therein, or any easements deemed to be necessary or desirable for present or future state highway purposes by gift, agreement, purchase, exchange, condemnation, or otherwise. Such lands or real property may be acquired in fee simple or in any lesser estate. It is the intention of the Legislature that all property leased or purchased from the owner shall receive a fair price.

(2) State highway purposes, as referred to in subsection (1) of this section or otherwise in sections 39-1301 to 39-1362, shall include provision for, but shall not be limited to, the following:

(a) The construction, reconstruction, relocation, improvement, and maintenance of the state highway system. The right-of-way for such highways shall be of such width as is deemed necessary by the department;

(b) Adequate drainage in connection with any highway, cuts, fills, or channel changes and the maintenance thereof;

(c) Controlled-access facilities, including air, light, view, and frontage and service roads to highways;

(d) Weighing stations, shops, ~~offices,~~ storage buildings and yards, and road maintenance or construction sites;

(e) Road material sites, sites for the manufacture of road materials, and access roads to such sites;

(f) The preservation of objects of attraction or scenic value adjacent to, along, or in close proximity to highways and the culture of trees and flora which may increase the scenic beauty of such highways;

(g) Roadside areas or parks adjacent to or near any highway;

(h) The exchange of property for other property to be used for rights-of-way or other purposes set forth in subsection (1) or (2) of this section if the interests of the state will be served and acquisition costs thereby reduced;

(i) The maintenance of an unobstructed view of any portion of a highway so as to promote the safety of the traveling public;

(j) The construction and maintenance of stock trails and cattle passes;

(k) The erection and maintenance of marking and warning signs and traffic signals;

(l) The construction and maintenance of sidewalks and highway illumination;

(m) The control of outdoor advertising which is visible from the nearest edge of the right-of-way of the National System of Interstate and Defense Highways and all federal-aid primary roads, to the end that this state may comply with the provisions of 23 U.S.C. 131, as amended; and

(n) The relocation of~~,~~ or giving assistance in the relocation of individuals, families, businesses, or farm operations occupying premises acquired for state highway or federal-aid road purposes.

(3) The procedure to condemn property, authorized by subsection (1) of this section or elsewhere in sections 39-1301 to 39-1362, shall be exercised in the manner set forth in sections 76-704 to 76-724~~,~~ or as provided by section 39-1323, as the case may be.

Sec. 3. That section 68-130, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

68-130. The state building division of the Department of Administrative Services shall maintain office and service facilities used for the administration of the public assistance programs of the

Department of Social Services. A county shall pay no more toward the cost of such facilities than it was paying on January 1, 1992. ~~Counties shall maintain, at no additional cost to the Department of Social Services, office and service facilities used for the administration of the public assistance programs as such facilities existed on April 1, 1983.~~".

2. On page 28, line 22, after "parties" insert "subject to section 81-1108.22".

3. On page 32, line 10, strike "23 and 24" and insert "25 and 26".

4. On page 35, line 6, after the period insert "This subsection shall not apply to (a) state-owned facilities to be rented to state agencies or other parties by the University of Nebraska, the Nebraska state colleges, the Department of Aeronautics, the Department of Roads, and the Board of Educational Lands and Funds, (b) facilities to be leased for use by the University of Nebraska, the Nebraska state colleges, and the Board of Educational Lands and Funds, or (c) facilities to be leased for nonoffice use by the Department of Roads.".

5. On page 44, line 8, after "sections" insert "39-1320, 68-130,".

6. Renumber the remaining sections accordingly.

Mr. Chizek asked unanimous consent to print the following amendment to LB 594 in the Journal. No objections. So ordered.

AM3289

(Amendments to Standing Committee amendments, AM3254)

1. Strike the original amendments and insert the following new amendment:

"1. On page 2, lines 11 through 13, strike the new matter and insert ', and on or before December 31, 1992, and (c) one million two hundred fifty thousand dollars for any occurrence after December 31, 1992'.".

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 252 and LR 253.

GENERAL FILE

LEGISLATIVE RESOLUTION 219CA. Considered.

Mr. Warner moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. Haberman requested a record vote on the advancement of the resolution.

Voting in the affirmative, 30:

Abboud
Ashford
Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Byars
Chizek
Conway
Crosby
Cudaback
Hartnett
Hillman
Horgan
Johnson, R.
Kristensen
Labedz
Landis
Lindsay
Nelson
Robak
Robinson
Schimek
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will

Voting in the negative, 13:

Coordsen
Dierks
Elmer
Haberman
Hall
Hefner
Johnson, L.
Lamb
Moore
Morrissey
Peterson
Schellpeper
Schmit

Present and not voting, 2:

Chambers
Withem

Excused and not voting, 4:

Lynch
Pirsch
Rasmussen
Rogers

Advanced to E & R for review with 30 ayes, 13 nays, 2 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

UNANIMOUS CONSENT - Expedite LR 219CA

Mr. Baack asked unanimous consent to expedite LR 219CA. No objections. So ordered.

MOTION - Suspend Rules

Mr. Conway moved to suspend the rules, Rule 3, Section 13, to permit a hearing on LB 1294 by the Government, Military and Veterans Affairs Committee without seven days notice.

The Conway motion to suspend the rules prevailed with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

NOTICE OF COMMITTEE HEARING
Government, Military and Veterans Affairs

LB 1294	Thursday, March 12, 1992	3:00 p.m.

(Signed) Gerald Conway, Chairperson

UNANIMOUS CONSENT - Members Excused

Messrs. Cudaback, Elmer, Hefner, Schellpeper, Will, and Mrs. Labedz asked unanimous consent to be excused until they return. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 1178. The Standing Committee amendment, AM2553, printed separately from the Journal and referred to on page 883 and considered on page 1008, was renewed.

Mr. Chambers offered the following amendment to the Standing Committee amendment:
FA300

Amend the Standing Committee amendment, AM2553

Page 2, after line 13, Page 9 after line 11, and Page 13 after line 5 add (all capital letters):

"OPTIONAL - YOU ARE NOT REQUIRED TO ANSWER ANY OF THE FOLLOWING QUESTIONS:"

Ms. Schimek and Mr. Schmit asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER BAACK PRESIDING

The Chambers amendment was adopted with 12 ayes, 1 nay, 24 present and not voting, and 12 excused and not voting.

Mr. Moore asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Kristensen moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

The Standing Committee amendment, as amended, was adopted with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 8 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 1178A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 360. Title read. Considered.

Standing Committee amendment, AM2840, found in the Journal on page 770, was considered.

Mr. Coordsen renewed his pending amendment, AM2927, found in the Journal on page 851, to the Standing Committee amendment.

The Coordsen amendment was adopted with 18 ayes, 0 nays, 20 present and not voting, and 11 excused and not voting.

Messrs. Chizek and Chambers asked unanimous consent to be excused until they return. No objections. So ordered.

MR. WARNER PRESIDING

The Standing Committee amendment, as amended, was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

SPEAKER BAACK PRESIDING

Advanced to E & R for review with 28 ayes, 0 nays, 10 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 360A. Title read. Considered.

MR. WARNER PRESIDING

The Chair called for a roll call vote on the advancement of the bill.

Voting in the affirmative, 31:

Abboud
Ashford
Baack
Bernard-Stevens
Beutler
Bohlke
Conway
Coordsen
Crosby
Elmer
Haberman
Hartnett
Hefner
Hillman
Johnson, L.
Kristensen
Landis
Lindsay
Moore
Morrissey
Nelson
Peterson
Rogers
Schellpeper
Schimek
Schrock
Warner
Wehrbein
Wesely
Wickersham
Withem

Voting in the negative, 0.

Present and not voting, 9:

Beyer
Byars
Dierks
Hall
Horgan
Johnson, R.
Lamb
Robak
Robinson

Excused and not voting, 9:

Chambers
Chizek
Cudaback
Labedz
Lynch
Pirsch
Rasmussen
Schmit
Will

Advanced to E & R for review with 31 ayes, 0 nays, 9 present and not voting, and 9 excused and not voting.

SPEAKER BAACK PRESIDING

LEGISLATIVE BILL 1138. Title read. Considered.

Standing Committee amendment, AM2788, printed separately from the Journal and referred to on page 783, was considered.

Mr. Haberman and Mrs. Robak asked unanimous consent to be excused until they return. No objections. So ordered.

PRESIDENT MOUL PRESIDING

The Chair called for a roll call vote on the Standing Committee amendment.

Voting in the affirmative, 29:

Bernard-Stevens
Beyer
Bohlke
Byars
Conway
Coordsen
Crosby
Dierks
Elmer
Hall
Hartnett
Hefner
Hillman
Johnson, L.
Kristensen
Landis
Lynch
Moore
Nelson
Peterson
Robinson
Rogers
Schellpeper
Schimek
Warner
Wehrbein
Wesely
Wickersham
Withem

Voting in the negative, 0.

Present and not voting, 10:

Abboud
Ashford
Baack
Beutler
Horgan
Johnson, R.
Lamb
Lindsay
Morrissey
Schrock

Excused and not voting, 10:

Chambers
Chizek
Cudaback
Haberman
Labedz
Pirsch
Rasmussen
Robak
Schmit
Will

The Standing Committee amendment was adopted with 29 ayes, 0 nays, 10 present and not voting, and 10 excused and not voting.

Mr. Beyer moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Rogers moved for a call of the house. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

The Chair called for a roll call vote on the advancement of the bill.

Voting in the affirmative, 38:

Abboud
Ashford
Baack
Bernard-Stevens
Beyer
Bohlke
Byars
Conway
Coordsen
Crosby
Dierks
Elmer
Hall
Hartnett

Hefner
Hillman
Horgan
Johnson, L.
Kristensen
Lamb
Landis
Lindsay
Lynch
Moore
Morrissey
Nelson
Peterson
Robak
Robinson
Rogers
Schellpeper
Schimek
Schrock
Warner
Wehrbein
Wesely
Wickersham
Withem

Voting in the negative, 0.

Present and not voting, 1:

Beutler

Absent and not voting, 1:

Johnson, R.

Excused and not voting, 9:

Chambers
Chizek
Cudaback
Haberman
Labedz
Pirsch
Rasmussen
Schmit
Will

Advanced to E & R for review with 38 ayes, 0 nays, 1 present and not voting, 1 absent and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 1138A. Title read. Considered.

The Chair called for a roll call vote on the advancement of the bill.

Voting in the affirmative, 39:

Abboud
Ashford
Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Byars
Conway
Coordsen
Crosby
Dierks
Elmer
Hall
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Kristensen
Lamb
Landis
Lindsay
Lynch
Moore
Morrissey
Nelson
Peterson
Robak
Robinson
Rogers
Schellpeper
Schimek
Schrock
Warner
Wehrbein
Wesely
Wickersham
Withem

Voting in the negative, 0.

Absent and not voting, 1:

Johnson, R.

Excused and not voting, 9:

Chambers Cudaback Labedz Rasmussen Will
Chizek Haberman Pirsch Schmit

Advanced to E & R for review with 39 ayes, 0 nays, 1 absent and not voting, and 9 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Messrs. Withem and Schrock asked unanimous consent to print the following amendment to LB 1125 in the Journal. No objections. So ordered.

AM3251

1. Insert the following new section:

"Sec. 9. That section 79-437.03, Revised Statutes Supplement, 1991, be amended to read as follows:

79-437.03. The county superintendent and county treasurer in each county maintaining a nonresident high school tuition fund created pursuant to section 79-437, which is repealed effective July 1, 1993, shall maintain an account to receive delinquent tax collections for the nonresident high school tuition levy, proceeds from the Tax Equity and Educational Opportunities Support Act and the Special Education Act, and any other funds legally due the nonresident high school tuition fund and to distribute the balance in such account periodically to school districts in the following order of priority:

(1) Class II, III, IV, V, and VI districts which have not received full payment of nonresident high school tuition charges certified pursuant to sections 79-4,102 to 79-4,104 until each has received full payment; and

(2) Class I districts which affiliate pursuant to section 79-402.13 or become part of a Class VI district and any Class II, III, IV, or V district with which a Class I district merges or forms a new Class II,

III, IV, or V district.

The distribution shall be made to such districts in payments as nearly as practicable in the proportion that the actual valuation of taxable property of each such Class I district bears to the total valuation of all Class I districts comprising the nonresident high school tuition fund.

The school board of a Class I district which has affiliated pursuant to section 79-402.13 and which receives a distribution under this section within one year after affiliation may, by majority vote, deposit part or all of the funds distributed into the district's general fund, sinking fund, bond fund, or building fund and shall expend the funds distributed under this section within two years after receipt. The school board of a Class I district which has affiliated pursuant to section 79-402.13 and which receives a distribution under this section more than one year after affiliation shall deposit such funds into the district's general fund.".

2. On page 48, line 13, after the last comma insert "79-437.03,".

3. Renumber the remaining sections accordingly.

Mr. Lamb asked unanimous consent to print the following amendment to LB 1063 in the Journal. No objections. So ordered.

AM3199

(Amendments to AM3048)

1. On page 216, reinstate lines 20 through 24.

2. On page 217, reinstate lines 1 through 6.

Mr. Warner asked unanimous consent to print the following amendment to LB 1063 in the Journal. No objections. So ordered.

AM3275

1. Insert the following new section:

"Sec. 122. That section 77-1361, Revised Statutes Supplement, 1991, be amended to read as follows:

77-1361. (1) Agricultural land and

horticultural land used solely for agricultural or horticultural purposes shall constitute a separate and distinct class of property for purposes of property taxation. Agricultural land and horticultural land shall be valued using the agricultural land valuation manual issued by the Tax Commissioner pursuant to section 77-1330 which shall be developed using the methods prescribed in sections 77-1359 to 77-1367 and 77-1371.

(2) No residential, commercial, industrial, or agricultural building or enclosed structure or the directly associated land or site of the building or enclosed structure shall be assessed as agricultural land or horticultural land.

(3) No area of land directly associated with an improvement or structure described in subsection (2) of this section shall apply in determining compliance with the twenty-acre requirement of sections 77-1359 and 77-1360.

(4) No tangible personal property shall be included in the value of agricultural land or horticultural land as determined by sections 77-1359 to 77-1367 and 77-1371.".

2. Renumber the remaining sections and correct internal references accordingly.

3. Correct the operative date provision so that the section added by this amendment becomes operative on January 1, 1992.

Mr. Dierks asked unanimous consent to print the following amendment to LB 522 in the Journal. No objections. So ordered.

AM3265

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Except as provided in section 6 of this act, any school district, governing body of a nonpublic school approved or accredited by the State Department of Education, or any governmental agency or political subdivision employing teachers or child care providers may, as a condition of employment, require a teaching or nonteaching employee, contractor having direct access to children, or employee of such contractor to obtain a national criminal history record information clearance from the Nebraska State Patrol. If national criminal history record information cannot be obtained without the submission of fingerprints, then, notwithstanding sections 1 to 10 of this act, no national criminal history record information clearance shall be required for employment of any person subject to such sections, and the Nebraska State Patrol shall not be required to undertake a search for national criminal history record information pursuant to section 3 of this act.

Sec. 2. Any person required to obtain a national criminal history record information clearance as a condition of employment under sections 1 to 10 of this act shall apply with the sheriff of the person's place of residence for such a clearance. The application shall be made in person and shall be on forms approved by the Superintendent of Law Enforcement and Public Safety. The application shall state the person's full name, social security number, address, date of birth, and such other information as may be reasonably required. The person shall present a current Nebraska motor vehicle operator's license, state identification card, or military information card. The sheriff shall forward the application to the Nebraska State Patrol.

Sec. 3. Upon request by the school district, nonpublic school, political subdivision, or governmental agency and receipt of an application pursuant to section 2 of this act, the Nebraska State Patrol shall undertake a national criminal history record information check. The Nebraska State Patrol shall obtain a report which shall include information concerning the applicant from federal repositories of such information and repositories of such information in other states if authorized by federal law or by an agreement entered into pursuant to section 29-210. The Nebraska State Patrol shall review the report and such other documents or information as deemed necessary and shall issue or deny a national criminal history record information clearance.

Sec. 4. A national criminal history record information clearance shall be denied to any person convicted of an offense bearing a reasonable and rational relationship to employment in a position working with children.

Sec. 5. The Nebraska State Patrol shall have authority to set a fee for processing a national criminal history record information clearance not to exceed the actual cost of obtaining such clearance. County sheriffs may charge and collect a fee of five dollars for processing each application form pursuant to section 2 of this act. All charges assessed under this section shall be paid by the person applying for employment. He or she shall be reimbursed for such payments upon hiring by the school district, nonpublic school, governmental agency, or political subdivision requiring a national criminal history record information clearance as a condition of employment.

Sec. 6. No person shall be required to apply for a national criminal history record information clearance pursuant to sections 1 to 8 of this act prior to July 1, 1992, and no school district or nonpublic school shall require a national criminal history record information clearance pursuant to such sections regarding any certified teacher or administrator employed by such district or school as of the effective date of this act.

Sec. 7. Nothing in sections 1 to 8 of this act shall prohibit any school district, nonpublic school, governmental agency, or political subdivision from conducting other criminal record or background checks permitted by law.

Sec. 8. Any person denied a national criminal history record information clearance by the Nebraska State Patrol pursuant to section 3 or 4 of this act may appeal the decision in accordance with the Administrative Procedure Act and shall have the right of access to any and all records and information relied upon by the Nebraska State Patrol in denying the clearance. Criminal history record information shall remain confidential and may be released only upon the written authorization of the applicant, except that if the applicant appeals the denial of a clearance, the filing of such an appeal shall constitute a release of the information for the limited purpose of the appeal. Any applicant shall have the right, at any time, to consent in writing to release to the employing school district, nonpublic school, governmental agency, or political subdivision, that portion of a national criminal history record information report upon which denial of the clearance was based.

Sec. 9. Any person who alters, forges, deletes, or in any way misrepresents information contained on a national criminal history record information application, clearance, or report provided pursuant to sections 1 to 8 of this act shall be guilty of a Class III felony.

Sec. 10. The Nebraska State Patrol shall adopt and promulgate rules and regulations to carry out sections 1 to 9 of this act.

Sec. 11. That section 29-210, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-210. The Nebraska State Patrol ~~is hereby authorized (1) to keep~~ may:

(1) Keep a complete record of all reports filed of all personal property stolen, lost, found, pledged or pawned, in any city or county of this state;

(2) ~~to provide~~ Provide for the installation of a proper system and file~~;~~ and cause to be filed ~~therein~~ in such system cards containing an outline of the methods of operation employed by criminals;

(3) ~~to use~~ Use any system of identification it deems advisable~~;~~ or that may be adopted in any of the penal institutions of the state;

(4) ~~to keep~~ Keep a record consisting of duplicates of measurements, processes, operations, plates, photographs, ~~measurements~~ and descriptions of all persons confined in penal institutions of this state;

(5) ~~to procure~~ Procure and maintain, so far as practicable, plates, photographs, descriptions, and information concerning all persons who ~~shall hereafter be~~ are convicted of a felony or imprisoned for violating the military, naval, or criminal laws of the United States~~;~~ and ~~of~~ concerning well-known and habitual criminals from whatever source procurable;

(6) ~~to furnish~~ Furnish any criminal justice agency with any information, material, records, or means of identification which may properly be disseminated and ~~that~~ which it may desire in the proper administration of criminal justice;

(7) ~~to upgrade~~ Upgrade, when feasible, the existing law enforcement communications network; ~~and~~

(8) ~~to establish~~ Establish and maintain an improved system or systems by which relevant information may be collected, coordinated, and made readily available to serve qualified persons or agencies concerned with the administration of criminal justice; and

(9) Enter into cooperative agreements with federal and state repositories of criminal history record information to facilitate exchanges of information.

Sec. 12. That original section 29-210, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

RESOLUTION

LEGISLATIVE RESOLUTION 256. Introduced by Banking, Commerce and Insurance Committee: Landis, 46, Chairperson; Abboud, 12; Conway, 17; Haberman, 44; Hall, 7; Lindsay, 9; Schmit, 23; Wesely, 26.

WHEREAS, in 1986 the Legislature adopted the Research and Development Authority Act which created the Research and Development Authority; and

WHEREAS, the authority was created, among other things, to engage in seed capital financing for the development and implementation of innovations or new technologies for existing value-added industry, to develop new value-added industry, and to create and maintain employment in areas of importance to Nebraska's economy; and

WHEREAS, the legislative history behind the adoption of the act and the creation of the authority discloses that the sponsors of the act believed it would be necessary to provide funding to the authority in the amount of approximately twenty million dollars over a ten-year period in order to achieve the purpose of the act; and

WHEREAS, all state funding for the authority was terminated for fiscal years 1992 and 1993 and, to this date, the authority has received less than half the funding anticipated by the act's sponsors; and

WHEREAS, in order to meet the challenge presented by the termination in funding and in order to continue to implement the purpose of the authority under the act, the governing board of the authority has narrowed the current focus of the authority, reduced the staff and operations, and reduced the operating budget by approximately sixty-six percent; and

WHEREAS, it is probable that significant state funding will not be available in the foreseeable future to carry forward the purpose of the authority; and

WHEREAS, the protection and enhancement of the existing portfolio investments require more funds than are presently available or likely to be available to the authority in the foreseeable future; and

WHEREAS, on January 15, 1992, the governing board of the authority approved a plan to create a Nebraska-based venture capital firm, finding that the implementation of the plan is consistent with the current economic development policies of the State of Nebraska, is in the best interests of the State of Nebraska, the authority, the companies which have received funding from the authority, and the Nebraska employees of such companies, and is the option most likely to fulfill the ongoing purpose of the act.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature hereby supports the plan of the authority adopted January 15, 1992, to form a Nebraska-based venture capital firm with minimum capital of ten million dollars, including the existing portfolio investments and cash of the authority, to be formed not later than June 30, 1993, to be managed by experienced, professional, venture capital managers, and to invest a portion of the venture capital fund assets proportionate to the amount of cash contributed by the authority in seed capital financing for the development and implementation of innovations or new technologies for existing and emerging industries in Nebraska, as those terms are defined in the act.
2. That the Clerk of the Legislature transmit a copy of this resolution to the Governor, the Director of Economic Development, and the governing board of the authority.

Laid over.

SELECT COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 1063. Placed on Select File as amended.
(E & R amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM5267.)

(Signed) Eric Will, Chairperson

VISITORS

Visitors to the Chamber were 12 third and fourth grade students and teacher from Centennial Elementary, Gresham; Dr. Tice Miller from Lincoln; Ann Veneman, Lisa Zannoni, and Larry Sitzman; Greg Jelden, Scott, Steve, and Dudley Nelson from Axtell; Bill Pedraza from Lexington; and Mrs. Charles Ballou from Wilsonville.

The Doctor of the Day was Clarence Davis from Osceola.

ADJOURNMENT

At 2:12 p.m., on a motion by Speaker Baack, the Legislature adjourned until 9:00 a.m., Monday, March 9, 1992.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-NINTH DAY - MARCH 9, 1992

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

NINETY-SECOND LEGISLATURE
SECOND SESSION

THIRTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 9, 1992

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Moul presiding.

PRAYER

The prayer was offered by Rev. Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Chizek, Haberman, Hall, Hartnett, R. Johnson, Lynch, Morrissey, Rogers, Schmit, Mmes. Bohlke, Labedz, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-eighth day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE RESOLUTION 219CA. Placed on Select File as amended.
E & R amendment to LR 219CA:
AM5268

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That at a special election on May 12, 1992, there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska to amend Article VIII, sections 1, 2, and 5, and to add a new section 13 to Article VIII:

CVIII-1 'The necessary revenue of the state and its governmental subdivisions shall be raised by taxation in such manner as the Legislature may direct. ~~Taxes shall be levied by valuation uniformly and proportionately upon all tangible property and franchises, except that: (1) The~~ Notwithstanding Article I, section 16, Article III, section 18, or Article VIII, section 4, of this Constitution or any other provision of this Constitution to the contrary: (1) Taxes shall be levied by valuation uniformly and proportionately upon all real property and franchises as defined by the Legislature except as otherwise provided in or permitted by this Constitution; (2) tangible personal property, as defined by the Legislature, not exempted by this Constitution or by legislation, shall all be taxed at depreciated cost using the same depreciation method with reasonable class lives, as determined by the Legislature, or shall all be taxed by valuation uniformly and proportionately; (3) the Legislature may provide for a different method of taxing motor vehicles and may also establish a separate class of motor vehicles consisting of those owned and held for resale by motor vehicle dealers which shall be taxed in the manner and to the extent provided by the Legislature and may also establish a separate class for trucks, trailers, semitrailers, truck-tractors, or combinations thereof, consisting of those owned by residents and nonresidents of this state, and operating in interstate commerce, and may provide reciprocal and proportionate taxation of such vehicles; PROVIDED, that such tax proceeds from motor vehicles taxed in each county shall be allocated to the ~~state,~~ counties, townships, cities, villages, ~~and~~ school districts, and other governmental subdivisions of such county in the same proportion that the levy of each bears to the total levy of the county on ~~personal tangible~~ taxable property; ~~and (2)~~ (4) the Legislature may provide that agricultural land and horticultural land, as defined by the Legislature, shall constitute a separate and distinct class of property for purposes of taxation and may provide for a different method of taxing agricultural land and horticultural land which results in values that are not uniform and proportionate with all other ~~tangible~~ real property and franchises but which results in values that are uniform and proportionate upon all property within the class of agricultural land and horticultural land; (5) the ~~. The~~ Legislature may enact laws to provide that the value of land actively devoted to agricultural or horticultural use shall for property tax purposes be that value which such land has for agricultural or horticultural use without regard to any value which such land might have for other purposes or uses; (6) the Legislature ~~and~~ may prescribe standards and methods for the determination of the value of real ~~or other tangible~~ property at uniform and proportionate values; (7) in furtherance of the purposes for which such a law of the United States has been adopted, whenever there exists a law of the United States which is intended to protect a specifically designated type, use, user, or owner of property or franchise from discriminatory state or local taxation, such property or franchise shall constitute a separate class of property or franchise under the laws of the State of Nebraska, and such property or franchise may not be taken into consideration in determining whether taxes are levied by valuation uniformly or proportionately upon any property or franchise, and the Legislature may enact laws which statutorily recognize such class and which tax or exempt from taxation such class of property or franchise in such manner as it determines; and (8) the Legislature may provide that livestock shall constitute a separate and distinct class of property for purposes of taxation and may further provide for reciprocal and proportionate taxation of livestock located in this state for only part of a year. Each actual property tax rate levied for a governmental subdivision shall be the same for all classes of taxed property and franchises. Taxes uniform as to class of property or the ownership or use thereof may be levied by valuation or otherwise upon classes of intangible property as the Legislature may determine, and such intangible property held in trust or otherwise for the purpose of funding pension, profit-sharing, or other employee benefit plans as defined by the Legislature may be declared exempt from taxation. Taxes other than property taxes may be authorized by law. Existing revenue laws shall continue in effect until changed by the Legislature. ~~The Legislature may provide that livestock shall constitute a separate and distinct class of property for purposes of taxation and may further provide for reciprocal and proportionate taxation of livestock located in this state for only part of a year.~~'

CVIII-2 'Notwithstanding Article I, section 16, Article III, section 18, or Article VIII, section 1 or 4, of this Constitution or any other provision of this Constitution to the contrary: (1) The property of the state and its governmental subdivisions shall constitute a separate class of property and shall be exempt from taxation; (2) the ~~. The~~ Legislature by general law may classify and exempt from taxation property owned by and used exclusively for agricultural and horticultural societies~~,~~ and property owned and used exclusively for educational, religious, charitable, or cemetery purposes, when such property is not owned or used for financial gain or profit to either the owner or user; (3) household ~~. Household~~ goods and personal effects, as defined by law, may be exempted from taxation in whole or in part, as may be provided by general law, and the Legislature may prescribe a formula for the determination of value of household goods and personal effects; (4) the ~~. The~~ Legislature by general law may provide that the increased value of land by reason of shade or ornamental trees planted along the highway shall not be taken into account in the assessment of such land; (5) the ~~. The~~ Legislature, by general law and upon any terms, conditions, and restrictions it prescribes, may provide that the increased value of real property resulting from improvements designed primarily for energy conservation may be exempt from taxation; (6) the ~~. The~~ value of a home substantially contributed by the ~~Veterans' Administration of the~~ United States Department of Veterans Affairs for a paraplegic veteran or multiple amputee shall be exempt from taxation during the life of such veteran or until the death ~~of his widow or her~~ or remarriage~~. The~~ of his or her surviving spouse; (7) the Legislature may exempt from an intangible property tax life insurance and life insurance annuity contracts and any payment connected therewith and any right to pension or retirement payments; (8) the Legislature may exempt inventory from taxation; (9) the ~~. The~~ Legislature may define and classify personal property in such manner as it sees fit, whether by type, use, user, or owner, and may exempt any ~~of~~ such class or classes~~,~~ or may exempt all personal property from taxation; (10) no ~~. No~~ property shall be exempt from taxation except as permitted by or as provided in ~~the~~ this Constitution; and (11) the ~~. The~~ Legislature may by general law provide that a portion of the value of any residence actually occupied as a homestead by any classification of owners as determined by the Legislature shall be exempt from taxation.'

CVIII-5 'County authorities shall never assess taxes the aggregate of which shall exceed fifty cents per one hundred dollars ~~actual valuation~~ of taxable value as determined by the assessment rolls, except for the payment of indebtedness existing at the adoption hereof, unless authorized by a vote of the people of the county.'

CVIII-13 'Notwithstanding Article I, section 16, Article III, section 18, or Article VIII, section 1 or 4, of this Constitution or any other provision of this Constitution to the contrary, amendments to Article VIII of this Constitution passed in 1992 shall be effective from and after January 1, 1992, and existing revenue laws and legislative acts passed in the regular legislative session of 1992, not inconsistent with this Constitution as amended, shall be considered ratified and confirmed by such amendments without the need for legislative reenactment of such laws.'.

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

'A constitutional amendment to separate tangible personal property from the uniform and proportionate provision applicable to real property, to provide for the valuation of taxable tangible personal property at depreciated cost or at actual value uniformly and proportionately, to provide for the separate classification of property and franchises protected by federal law, to harmonize a provision relating to the limitation on county taxes, and to provide that legislation passed in the regular 1992 legislative session shall be effective January 1, 1992, and is ratified and confirmed by this amendment.

For

Against'.".

Correctly Engrossed

The following bills were correctly engrossed: 308 and 308A.

(Signed) Eric Will, Chairperson

Enrollment and Review Change to LB 308

The following changes, required to be reported for publication in the Journal, have been made:

ER7154

1. On page 1, line 7, "to provide for confidentiality of information;" has been inserted after the semicolon.

(Signed) Mary E. Sommermeyer
E & R Attorney

REPORT

Received from the Nebraska Library Commission the Nebraska Public Library Profile on statistical data.

RESOLUTION

LEGISLATIVE RESOLUTION 256. Read. Considered.

LR 256 was adopted with 24 ayes, 0 nays, and 25 not voting.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 251.

SELECT FILE

LEGISLATIVE BILL 922. E & R amendment, AM5261, found in the Journal on page 887, was adopted.

Mr. Withem renewed his pending amendment, AM3279, found in the Journal on page 1168.

Mrs. Crosby asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Robinson offered the following amendment to the Withem pending amendment:
FA301
Amend AM3279 in subsection "2" strike "annually" both times it appears.

Mr. Robinson moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mr. Robinson requested a roll call vote on his amendment.

Voting in the affirmative, 21:

Beyer
Byars
Coordsen
Cudaback
Dierks
Elmer
Haberman
Hefner
Horgan
Johnson, L.
Johnson, R.
Moore
Peterson
Robak
Robinson
Rogers
Schellpeper
Schmit
Schrock
Wehrbein
Wickersham

Voting in the negative, 18:

Abboud
Ashford
Baack
Bernard-Stevens
Bohlke
Chambers
Conway
Hillman
Kristensen
Landis
Lindsay
Nelson
Rasmussen
Schimek
Warner
Wesely
Will
Withem

Present and not voting, 3:

Beutler	Morrissey	Pirsch

Absent and not voting, 1:

Lamb

Excused and not voting, 6:

Chizek	Hall	Hartnett	Labedz	Lynch
Crosby				

The Robinson amendment lost with 21 ayes, 18 nays, 3 present and not voting, 1 absent and not voting, and 6 excused and not voting.

The Chair declared the call raised.

The Withem pending amendment, AM3279, was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Pending.

LEGISLATIVE BILL 1063. E & R amendment, AM5267, printed separately from the Journal and referred to on page 1203, was adopted.

Mrs. Hillman renewed her pending amendment, AM3245, found in the Journal on page 1092.

Mr. Chambers asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER BAACK PRESIDING

Mr. Wehrbein moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mrs. Hillman requested a record vote on her amendment.

Voting in the affirmative, 15:

Ashford	Beutler	Conway	Crosby	Hillman

Horgan
Lamb
Landis
Lindsay
Pirsch
Rasmussen
Schimek
Wesely
Will
Withem

Voting in the negative, 23:

Baack
Bernard-Stevens
Beyer
Bohlke
Byars
Cudaback
Dierks
Elmer
Hefner
Johnson, L.
Johnson, R.
Kristensen
Moore
Morrissey
Nelson
Peterson
Robinson
Rogers
Schellpeper
Schmit
Schrock
Warner
Wickersham

Present and not voting, 5:

Abboud
Coordsen
Haberman
Robak
Wehrbein

Excused and not voting, 6:

Chambers
Chizek
Hall
Hartnett
Labedz
Lynch

The Hillman amendment lost with 15 ayes, 23 nays, 5 present and not voting, and 6 excused and not voting.

Pending.

STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

LEGISLATIVE BILL 1205. Placed on General File.

The Committee on Banking, Commerce and Insurance desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Dennis Jorgensen - Nebraska Investment Council

VOTE: Aye: Senators Landis, Schmit, Abboud, Conway, Haberman, Hall, Lindsay, and Wesely.

(Signed) David Landis, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 746, 898, 989, 677A, and 734A.

(Signed) Eric Will, Chairperson

Enrollment and Review Change to LB 746

The following changes, required to be reported for publication in the Journal, have been made:

ER7155

1. In the E & R amendment, AM5262, on page 2, line 15, the second "and" has been struck.
2. On page 2, line 9, "; and to declare an emergency" has been inserted after "1943".
3. On page 40, line 20, "and" has been inserted after the comma; and in line 21 ", and to" has been struck, shown as stricken, and "and may" inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

SELECT FILE

LEGISLATIVE BILL 1063. Mr. Moore asked unanimous consent to pass over his pending amendment, AM3276, found in the Journal on page 1169. No objections. So ordered.

Mr. Moore offered the following amendment:

AM3296

(Amendments to AM5267)

1. Insert the following new sections:

"Sec. 196. That section 77-4105, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-4105. (1) A taxpayer who has signed an agreement under section 77-4104 may elect to determine taxable income for purposes of the Nebraska income tax using the sales factor only. The election may be made for the year during which the application was filed and for each year thereafter through the eighth year after the end of the entitlement period. The election shall be made for the year of the election by computing taxable income using the sales factor only on the tax return.

(2) ~~A taxpayer who has signed an agreement under section 77-4104 shall receive the incentive provided in this subsection if the agreement contains one or more projects which together will result in the investment in qualified property of at least ten million dollars and the hiring of at least one hundred new employees. Such ten million dollar investment and hiring of at least one hundred new employees shall be considered a required level of investment and employment for this subsection and for the recapture of personal property tax only.~~

~~The following property used in connection with such project or projects and acquired by the taxpayer, whether by lease or purchase, after the date the application was filed shall constitute separate classes of personal property:~~

~~(a) Turbine-powered aircraft, including turboprop, turbojet, and turbofan aircraft, except when any such aircraft is used for fundraising for or for the transportation of an elected official;~~

~~(b) Mainframe business computers used for business information processing which require environmental controls of temperature and power and which are capable of simultaneously supporting more than one transaction and more than one user plus peripheral components which require environmental controls of temperature and power connected to such computers. Computer peripheral components shall be limited to additional memory units, tape drives, disk drives, power supplies, cooling units, and communication controllers; and~~

~~(c) Personal property which is business equipment located in a single project if (i) the business equipment is involved directly in the manufacture or processing of agricultural products, (ii) the investment in the single project exceeds ten million dollars, and (iii) the use, value, and proper classification of the business equipment has been certified by the Tax Commissioner.~~

~~Such property shall be exempt from the tax on personal property from the first January 1 following the date of acquisition for property in subdivision (2)(a) of this section, or from the first January 1 following the end of the year during which the required levels were exceeded for property in subdivisions (2)(b) and (2)(c) of this section, through the sixteenth December 31 after the filing of the application.~~

~~(3)~~ When the taxpayer has met the required levels of employment and investment contained in the agreement, the taxpayer shall also be entitled to the following incentives:

(a) A refund of all sales and use taxes paid under the Nebraska Revenue Act of 1967 and the Local Option Revenue Act from the date of the application through the meeting of the required levels of employment and investment for all purchases, including rentals, of:

(i) Qualified property used as a part of the project;

(ii) Property, excluding motor vehicles, based in this state and used in both this state and another state in connection with the project except when any such property is to be used for fundraising for or for the transportation of an elected official;

(iii) Tangible personal property by the owner of the improvement to real estate that is incorporated into real estate as a part of a project; and

(iv) Tangible personal property by a contractor or repairperson after appointment as a purchasing agent of the owner of the improvement to real estate. The refund shall be based on fifty percent of the contract price, excluding any land, as the cost of materials subject to the sales and use tax; and

(b) A refund of the sales and use taxes paid under the Nebraska Revenue Act of 1967 and the Local Option Revenue Act on the types of purchases, including rentals, listed in subdivision (a) of this subsection for such taxes paid during each year of the entitlement period in which the taxpayer is at or above the required levels of employment and investment.

(3) ~~(4)~~ Any taxpayer who qualifies for the incentives contained in subsections (1) and ~~(3)~~ (2) of this section and who has added at least thirty new

employees at the project shall also be entitled to:

(a) A credit equal to five percent of the amount by which the total compensation paid during the year to employees who are either Nebraska employees or base-year employees while employed at the project exceeds the average compensation paid at the project multiplied by the number of equivalent base-year employees.

For the computation of such credit, average compensation shall mean the total compensation paid at the project divided by the total number of equivalent employees at the project; and

(b) A credit equal to ten percent of the investment made in qualified property at the project.

The credits prescribed in subdivisions (a) and (b) of this subsection shall be allowable for compensation paid and investments made during each year of the entitlement period that the taxpayer is at or above the required levels of employment and investment.

The credit prescribed in subdivision (b) of this subsection shall also be allowable during the first year of the entitlement period for investment in qualified property at the project after the date of the application and before the required levels of employment and investment were met.

Sec. 197. That section 77-4107, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-4107. (1) If the taxpayer fails either to meet the required levels of employment or investment for the applicable project by the end of the sixth year after the end of the year the application was submitted for such project or to utilize such project in a qualified business at employment and investment levels at or above those required in the agreement for the entire entitlement period, all or a portion of the incentives set forth in the Employment and Investment Growth Act shall be recaptured or disallowed.

(2) The recapture or disallowance shall be as follows:

(a) In the case of a taxpayer who failed to meet the required levels within the required time period, ~~all reduction in the personal property tax~~

~~because of the Employment and Investment Growth Act shall be recaptured and~~ any reduction in the corporate income tax arising solely because of an election under subsection (1) of section 77-4105 shall be deemed an underpayment of the income tax for the year in which the election was exercised and shall be immediately due and payable; and

(b) In the case of a taxpayer who has failed to maintain the project at the required levels of employment and investment for the entire entitlement period, ~~any reduction in the personal property tax,~~ any refunds in tax allowed under subdivision ~~(3)(a)~~ (2)(a) of section 77-4105, and any refunds or reduction in tax allowed because of the use of a credit allowed under subsection ~~(4)~~ (3) of section 77-4105 shall be partially recaptured from either the taxpayer or the owner of the improvement to real estate and any carryovers of credits shall be partially disallowed. One-seventh of the refunds~~, one-seventh of the reduction in personal property tax,~~ and one-seventh of the credits used shall be recaptured and one-seventh of the remaining carryovers ~~and the last remaining year of personal property tax exemption~~ shall be disallowed for each year the taxpayer did not maintain such project at or above the required levels of employment or investment.

(3) Any refunds or reduction in tax due, to the extent required to be recaptured, shall be deemed to be an underpayment of the tax and shall be immediately due and payable.

When tax benefits were received in more than one year, the tax benefits received in the most recent year shall be recovered first and then the benefits received in earlier years up to the extent of the required recapture.

(4) ~~Any personal property tax that would have been due except for the exemption allowed under the Employment and Investment Growth Act, to the extent it becomes due under this section, shall be considered an underpayment of such tax and shall be immediately due and payable to the county or counties in which the property was located when exempted. All amounts received by a county under this section shall be allocated to each taxing unit levying taxes on tangible~~

~~personal property in the county in the same proportion that the levy on tangible personal property of such taxing unit bears to the total levy of all of such taxing units.~~

~~(5)~~ Notwithstanding any other limitations contained in the laws of this state, collections of any taxes deemed to be underpayments by this section shall be allowed for a period of ten years after the signing of the agreement or three years after the end of the entitlement period, whichever is later.

~~(6)~~ (5) Any amounts due under this section shall be recaptured notwithstanding other allowable credits and shall not be subsequently refunded under any provision of the Employment and Investment Growth Act unless the recapture was in error.

~~(7)~~ (6) The recapture required by this section shall not occur if the failure to maintain the required levels of employment or investment was caused by an act of God or national emergency.".

2. On page 82, strike lines 9 through 11 and show the old matter as stricken.

3. Renumber the remaining sections and correct internal references accordingly.

4. Change the operative date and repealer sections so that sections 77-4105 and 77-4107 become operative on their effective date.

Mr. Wehrbein moved the previous question. The question is, "Shall the debate now close?" The motion lost with 20 ayes, 13 nays, and 16 not voting.

Mr. Wickersham moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 7 ayes, 0 nays, and 42 not voting.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Moore moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Moore requested a roll call vote on his amendment.

Voting in the affirmative, 11:

Dierks
Johnson, R.
Lynch
Moore
Morrissey
Peterson
Robak
Rogers
Schellpeper
Schmit
Wesely

Voting in the negative, 32:

Abboud
Ashford
Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Byars
Conway
Coordsen
Crosby
Cudaback
Elmer
Hefner
Hillman
Horgan
Kristensen
Labedz
Lamb
Landis
Lindsay
Nelson
Pirsch
Rasmussen
Robinson
Schimek
Schrock
Warner
Wehrbein
Wickersham
Will
Withem

Present and not voting, 1:

Johnson, L.

Excused and not voting, 5:

Chambers
Chizek
Haberman
Hall
Hartnett

The Moore amendment lost with 11 ayes, 32 nays, 1 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Lindsay asked unanimous consent to print the following amendment to LB 934 in the Journal. No objections. So ordered.

AM3229

1. Insert the following new section:

"Sec. 6. That section 24-710, Revised Statutes Supplement, 1991, be amended to read as follows:

24-710. (1) The retirement annuity of a judge who is an original member, who has not made the election provided for in subsection (8) of section 24-703 or section 24-710.01, and who retires under section 24-708 or 24-709 shall be computed as follows: Each such judge shall be entitled to receive an annuity, each monthly payment of which shall be in an amount equal to three and one-third percent of his or her final average compensation as such judge, multiplied by the number of his or her total years of service. The amount stated in this section shall be supplemental to any benefits received by such judge under the Nebraska and federal old age and survivors' insurance acts at the date of retirement, but the monthly combined benefits received thereunder and by sections 24-701 to 24-714 shall not exceed sixty-five percent of the final average compensation such judge was receiving when he or she last served as such judge. The amount of retirement annuity of a judge who retires under section 24-708 or 24-709 shall not be less than twenty-five dollars per month if he or she has four years or more of service credit.

(2) The retirement annuity of a judge who is a future member and who retires after July 1, 1986, under section 24-708 or 24-709 shall be computed as follows: Each such judge shall be entitled to receive an annuity, each monthly payment of which shall be in an amount equal to three and one-third percent of his or her final average compensation as such judge, multiplied by the number of his or her total years of service, except that the monthly benefits received under this subsection shall not exceed sixty percent of the final average compensation such judge was receiving when he or she last served as such judge.

(3) Any member may, when filing an application as provided by the retirement system, elect to receive, in lieu of the normal form annuity benefits to which the member or his or her beneficiary may otherwise be entitled under sections 24-701 to 24-714, any form of annuity which the board may by rules and regulations provide, the value of which, determined by accepted actuarial methods and on the basis of actuarial assumptions recommended by the actuary, approved by the board, and kept on file in the office of the director, is equal to the value of the benefit replaced. The board shall promptly after September 2, 1973, (a) adopt and promulgate appropriate rules and regulations

establishing joint and survivorship annuities, with and without reduction on the death of the first annuitant, and such other forms of annuities as may in its judgment be appropriate, (b) prescribe appropriate forms for making the election by the members, and (c) provide for the necessary actuarial services to make the required valuations.

(4) Notwithstanding anything to the contrary in sections 24-701 to 24-714, the annual benefit payable under such sections shall not at any time exceed the lesser of (a) ninety thousand dollars, as adjusted for cost-of-living adjustments announced by the Internal Revenue Service for each calendar year in which the adjustment is announced, actuarially reduced to reflect distributions prior to age sixty-two, or (b) one hundred percent of the member's average compensation for the highest three consecutive calendar years of service during which the member was an active member in the retirement system provided by sections 24-701 to 24-714. The maximum amount shall be adjusted, when necessary, as follows: (i) When the annual benefit is payable under the retirement system to a member in a form other than a straight life annuity or a qualified joint and survivor annuity, the maximum amount shall be adjusted to the equivalent of a straight life annuity beginning at the same age on the basis of the actuarial assumptions referred to in subsection (3) of this section; and (ii) when the annual benefit is payable under the retirement system to a member who has less than ten years of service under the retirement system, the maximum amount shall be multiplied by a fraction, the numerator of which is the member's number of years of service under the retirement system and the denominator of which is ten. For purposes of this subsection, qualified joint and survivor annuity means an annuity for the life of the member with not less than fifty percent nor more than one hundred percent of the amount the member was receiving being paid to the member's surviving spouse for the life of the spouse following the death of the member.

(5) A one-time cost-of-living adjustment shall be made for each retired judge and each surviving beneficiary who is receiving a retirement annuity as

provided for in this section. The annuity shall be adjusted by the increase in the cost of living or wage levels between the effective date of retirement and June 30, 1992, except that such increases shall not exceed three percent per year of retirement and the total increase shall not exceed two hundred fifty dollars per month.".

2. On page 24, line 11, after "24-703" insert ", 24-710,".

3. Renumber the remaining sections accordingly.

VISITORS

Visitors to the Chamber were Senator Conway's daughter, Jennifer; and 29 fourth grade students and teachers from Brownell-Talbot Elementary, Omaha.

RECESS

At 12:04 p.m., on a motion by Mr. Conway, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Baack presiding.

ROLL CALL

The roll was called and all members were present except Mmes. Labedz and Pirsch who were excused; and Messrs. Ashford, Beutler, Beyer, Chambers, Chizek, Conway, Coordsen, Cudaback, Dierks, Hall, R. Johnson, Lamb, Landis, Robinson, Schellpeper, Schmit, Schrock, Wesely, and Mrs. Rasmussen who were excused until they arrive.

PRESIDENT MOUL PRESIDING

UNANIMOUS CONSENT - Print in Journal

Mr. Wickersham asked unanimous consent to print the following amendment to LB 1000 in the Journal. No objections. So ordered.

AM3283

(Amendments to Final Reading copy)

1. Insert the following new section:

"Sec. 2. That section 42-358, Revised Statutes Supplement, 1991, be amended to read as follows:

42-358. (1) The court may appoint an attorney to protect the interests of any minor children of the parties. Such attorney shall be empowered to make independent investigations and to cause witnesses to appear and testify on matters pertinent to the welfare of the children. The court shall by order fix the fee, including disbursements, for such attorney, which amount shall be taxed as costs and paid by the parties as ordered. If the court finds the party responsible is indigent, the court may order the county to pay the costs.

(2) Following entry of any decree, the court having jurisdiction over the minor children of the parties may at any time appoint an attorney, as friend of the court, to initiate contempt proceedings for failure of any party to comply with an order of the court directing such party to pay temporary or permanent child support. The county attorney or authorized attorney may be appointed by the court for the purposes provided in this section.

~~(2)~~ (3) The clerk of each district court shall maintain child support orders and delinquency records by the sums due to the court-ordered payee, except as provided in section 43-512.07, in each case docketed in which child support is fixed by order of the court. For support orders in all cases issued before September 6, 1991, and for support orders issued or modified on or after September 6, 1991, in cases in which no party has applied for services under Title IV-D of the Social Security Act, as amended, each month the clerk shall certify all cases in which the court-ordered child support or spousal support is delinquent in an amount equal to the support due and payable for a one-month period of time to the judge presiding over domestic relations cases and to the county attorney or authorized attorney. A rebuttable presumption of contempt shall be established if a prima facie showing is made that the court-ordered child or spousal support is delinquent.

In cases in which one of the parties receives services under Title IV-D of the Social Security Act, as amended, the clerk shall certify all support orders issued or modified on or after September 6, 1991, to the county attorney or authorized attorney.

In each case certified, income withholding shall be implemented pursuant to the Income Withholding for Child Support Act. If income withholding is not feasible and no other action is pending for the collection of support payments, the court shall appoint an attorney to commence contempt of court proceedings. If the county attorney or authorized attorney consents, he or she may be appointed for such purpose. The contempt proceeding shall be instituted within ten days following appointment, and the case shall be diligently prosecuted to completion. The court shall by order fix the fee, including disbursements, for such attorney, which amount shall be taxed as costs and paid by the parties as ordered. Any fees allowed for the services of any county attorney or authorized attorney shall be paid to the Department of Social Services when there is an assignment of support to the department pursuant to section 43-512.07 or when an application for child support services is on file with a county attorney or authorized attorney. If the court finds the party responsible is indigent, the court may order the county to pay the costs.

~~(3)~~ (4) If, at the hearing, the person owing child or spousal support is called for examination as an adverse party and such person refuses to answer upon the ground that his or her testimony may be incriminating, the court may, upon the motion of the county attorney or authorized attorney, require the person to answer and produce the evidence. In such a case the evidence produced shall not be admissible in any criminal case against such person nor shall any evidence obtained because of the knowledge gained by such evidence be so admissible.

~~(4)~~ (5) The court may order access to all revenue information maintained by the Department of Revenue or other agencies concerning the income of persons liable or who pursuant to this section and sections 42-358.08 and 42-821 may be found liable to pay child or spousal support payments.

~~(5)~~ (6) Any person aggrieved by a determination of the court may appeal such decision to the Court of Appeals.".

2. On page 1, line 1, strike "persons under disability" and insert "minors"; in line 3 after "1943" insert ", and section 42-358, Revised Statutes Supplement, 1991"; in line 5 after the semicolon insert "to provide attorney's fees for attorneys for certain minor children as prescribed;"; and in line 6 strike "section" and insert "sections".

3. On page 3, line 12, strike "is" and insert "and section 42-358, Revised Statutes Supplement, 1991, are".

4. Renumber the remaining section accordingly.

SELECT FILE

LEGISLATIVE BILL 1063. Mr. Wickersham asked unanimous consent to replace his pending amendment, AM3266, found in the Journal on page 1177, with a substitute amendment. No objections. So ordered.

Mr. Wickersham withdrew his pending amendment, AM3266, found in the Journal on page 1177.

Mr. Wickersham offered the following substitute amendment:
AM3294

(Amendments to AM5267)

1. Insert the following new section:

"Sec. 50. Purchase shall include taking by sale, discount, negotiation, or any other transaction for value creating an interest in property except liens. Purchase shall not include transfers for stock or interests upon creation, dissolution, or any other reorganization of any corporation, partnership, trust, or other entity.".

2. On page 71, line 16, strike "49" and insert "50".

3. On page 73, line 24, after "is" insert "purchased, which is".

4. On page 74, line 2, after "income" insert an underscored comma.

5. On page 78, line 18, after the period insert "Property subject to taxation transferred as a gift or devise or as part of a transaction which is not a purchase shall remain subject to taxation based upon the date the property became subject to tax and its Nebraska adjusted basis.".

6. Correct the operative date provision so that section 50 added by this amendment becomes operative January 1, 1992.

7. Renumber the remaining sections and correct the internal references accordingly.

Mr. Wickersham moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

The Wickersham amendment was adopted with 26 ayes, 0 nays, 7 present and not voting, and 16 excused and not voting.

The Chair declared the call raised.

Mr. Wickersham renewed his pending amendment, AM3272, found in the Journal on page 1178.

Mr. Withem offered the following amendment to the Wickersham pending amendment:
FA302
Amend AM3272
in line 5, strike "personal"

Mr. Withem withdrew his pending amendment.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Wickersham moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. Wickersham requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Bohlke
Coordsen
Cudaback
Dierks
Elmer
Haberman
Hefner
Johnson, L.
Johnson, R.
Lamb

Lynch
Moore
Morrissey
Peterson
Robak
Robinson
Rogers
Schellpeper
Schmit
Wickersham

Voting in the negative, 24:

Abboud
Ashford
Baack
Bernard-Stevens
Beutler
Beyer
Byars
Conway
Crosby
Hall
Hartnett
Hillman
Horgan
Kristensen
Landis
Lindsay
Nelson
Rasmussen
Schimek
Warner
Wehrbein
Wesely
Will
Withem

Present and not voting, 1:

Schrock

Excused and not voting, 4:

Chambers
Chizek
Labedz
Pirsch

The Wickersham amendment lost with 20 ayes, 24 nays, 1 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Lamb asked unanimous consent to replace his pending amendment, AM3199, found in the Journal on page 1196, with a substitute amendment. No objections. So ordered.

Mr. Lamb withdrew his pending amendment, AM3199, found in the Journal on page 1196.

Mr. Lamb offered the following substitute amendment:
AM3292

(Amendments to AM5267)

1. On page 251, reinstate lines 16 through 24.

2. On page 252, reinstate lines 1 and 2.

SPEAKER BAACK PRESIDING

The Lamb amendment was adopted with 25 ayes, 10 nays, 10 present and not voting, and 4 excused and not voting.

Mr. Warner renewed his pending amendment, AM3275, found in the Journal on page 1196.

Mr. Hall requested a ruling of the Chair on whether the Warner amendment, AM3275, is germane to the bill.

The Chair ruled the Warner amendment is germane to the bill.

Mr. Lynch offered the following amendment to the pending Warner amendment:
FA303

Amend AM3275 by amending AM5267, on p. 77, line 9 after the (") add

"No tangible personal property shall be included in the value of real estate as determined by this section."

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

The Lynch amendment, FA303, to the pending Warner amendment, lost with 7 ayes, 9 nays, 28 present and not voting, and 5 excused and not voting.

Mr. Warner withdrew his pending amendment, AM3275, found in the Journal on page 1196.

Mr. Wickersham offered the following amendment:
AM3300

(Amendments to AM5267)

1. Strike sections 185 and 186 and insert the following new sections:

"Sec. 185. That section 77-27,136, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-27,136. ~~Beginning in fiscal year 1982-83 and for each fiscal year thereafter, the~~ The Legislature shall appropriate seventeen million nine hundred thousand dollars of all funds collected by a general sales tax and income tax for aid to incorporated municipalities, seventeen million dollars less the lesser of one-third of the state sales and use tax refunds made pursuant to section 179 of this act in the previous fiscal year or three million five hundred thousand dollars for aid to counties, and seven hundred thousand dollars for aid to natural resources districts.

Sec. 186. That section 77-27,137, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-27,137. (1) The appropriation provided for in section 77-27,136 for aid to counties shall be distributed to the various county treasurers of the state.

(2) A tentative distribution shall be determined by dividing seventeen million dollars on the basis of the ratio of the total amount of property taxes levied by the particular county for county purposes to the total amount of property taxes levied by all counties for county purposes based on the amounts stated in the most recent certificate of taxes levied statement submitted by each county to the Tax Commissioner pursuant to section 77-1613.01.

(3) The tentative distribution to each county computed under subsection (2) of this section shall be reduced by dividing the lesser of one-third of the state sales and use tax refunds made pursuant to section 179 of this act in the previous fiscal year or three million five hundred thousand dollars on the basis of the ratio of the total amount of taxable valuation of agricultural income-producing personal property in a particular county to the total amount of taxable valuation of agricultural income-producing personal property in all counties based on the amounts certified by the State Board of Equalization and Assessment to the counties.

(4) The Tax Commissioner shall determine the amount to be distributed to the various counties and certify such amounts by voucher to the Director of Administrative Services. Each amount shall be distributed in seven as nearly as possible equal monthly payments on the last business day of each month beginning in December. The State Treasurer shall, on the business day preceding the last business day of each month, notify the Director of Administrative Services of the amount of funds available in the General Fund for payment purposes. The Director of Administrative Services shall, on the last business day of each month, draw warrants against funds appropriated. The proceeds

of the governmental subdivision payments received by the various county treasurers shall be credited to the general fund of the county.".

Messrs. Will and Conway asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Wickersham moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. Wickersham requested a roll call vote on his amendment.

Voting in the affirmative, 12:

Dierks
Elmer
Haberman
Hefner
Johnson, L.
Morrissey
Peterson
Robak
Rogers
Schellpeper
Schmit
Wickersham

Voting in the negative, 23:

Abboud
Ashford
Baack
Bernard-Stevens
Beutler
Beyer
Byars
Crosby
Hall
Hartnett
Hillman
Horgan
Kristensen
Lamb
Landis
Lindsay
Nelson
Rasmussen
Robinson
Schimek
Schrock
Warner
Wesely

Present and not voting, 6:

Coordsen
Cudaback
Lynch
Moore
Wehrbein
Withem

Absent and not voting, 1:

Bohlke

Excused and not voting, 7:

Chambers
Chizek
Conway
Johnson, R.
Labedz
Pirsch
Will

The Wickersham amendment lost with 12 ayes, 23 nays, 6 present and not voting, 1 absent and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Mr. Morrissey and Ms. Schimek asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Schmit offered the following amendment:
AM3365

(Amendments to AM5267)

1. On page 226, strike beginning with "insurer" in line 23 through line 24.

2. On page 227, line 1, strike "or"; in line 2 strike "81-523, (b)" and show as stricken; in line 4 strike ", or (c)", show as stricken, and insert "or (b)"; and in line 7 strike the new matter.

The Schmit amendment lost with 4 ayes, 11 nays, 27 present and not voting, and 7 excused and not voting.

Mr. Schmit offered the following amendment:
AM3328

(Amendments to AM5267)

1. Insert the following new section:

"Sec. 95. That section 77-1214, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-1214. It shall be the duty of any assessor, sheriff, constable, city ~~councilman~~ council member, and village trustee to at once inform the county treasurer of the making or attempted making of any sale, levy of attachment, or removal of personal property known to him or her. It shall be the duty of the county treasurer to forthwith proceed with the collection of the tax when such acts become known to him or her in any manner. Any ~~; PROVIDED, any~~ personal tax shall be due and collectible, including all personal property then assessed upon which the tax shall be computed on the basis of the last preceding levy, and a distress warrant shall be issued when (1) any person attempts to sell all or a substantial part of his or her personal property, (2) a levy of attachment is made upon personal property, or (3) a person attempts to remove or removes personal property from the county, city, or village. Any tax collected pursuant to this section in the year 1992 shall be refunded to the person from whom such tax was collected.".

2. On page 256, line 22, after the second comma insert "77-1214,".

3. Renumber the remaining sections and change internal references accordingly.

4. Correct the operative date provision so that the section added by this amendment becomes operative January 1, 1993.

Messrs. L. Johnson, Abboud, and Mrs. Hillman asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Schmit moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Schmit requested a roll call vote on his amendment.

Voting in the affirmative, 12:

Dierks
Elmer
Haberman
Hall
Hefner
Lynch
Moore
Morrissey
Peterson
Rogers
Schellpeper
Schmit

Voting in the negative, 15:

Abboud
Ashford
Baack
Beyer
Conway
Crosby
Cudaback
Hillman
Kristensen
Landis
Lindsay
Rasmussen
Robinson
Schimek
Warner

Present and not voting, 14:

Bernard-Stevens
Beutler
Bohlke
Byars
Coordsen
Hartnett
Horgan
Lamb
Nelson
Robak
Schrock
Wehrbein
Wickersham
Withem

Excused and not voting, 8:

Chambers
Chizek
Johnson, L.
Johnson, R.
Labedz
Pirsch
Wesely
Will

The Schmit amendment lost with 12 ayes, 15 nays, 14 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Pending.

MESSAGE FROM THE GOVERNOR

March 9, 1992

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 950, 971, 984e, 985e, 999, and 1004 were received in my office on March 4, 1992.

These bills were signed by me on March 9, 1992, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

STANDING COMMITTEE REPORT
Government, Military and Veterans Affairs

The Committee on Government, Military and Veterans Affairs desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Nebraska Accountability and Disclosure Commission
Linda K. Mai
Rhonda Seacrest

VOTE: Aye: Senators Conway, Bohlke, Coordsen, Lindsay, Schimek, and Schrock. Absent: Senators Robak and Withem.

(Signed) Gerald Conway, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Robinson asked unanimous consent to print the following amendment to LB 922 in the Journal. No objections. So ordered.

AM3342

(Amendments to AM3279)

1. On page 1, lines 6 and 7, after "annually" insert "until 1995".

Mr. Robinson asked unanimous consent to print the following amendment to LB 922 in the Journal. No objections. So ordered.

AM3361

1. On page 3, line 3, strike "(1)"; and strike lines 11 through 14.

Messrs. Bernard-Stevens and Landis asked unanimous consent to print the following amendment to LB 447 in the Journal. No objections. So ordered.

AM3198

(Amendments to AM2862)

1. Insert the following new sections:

"Sec. 5. That section 43-292, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-292. The court may terminate all parental rights between the parents or the mother of a juvenile born out of wedlock and such juvenile when the court finds such action to be in the best interests of the juvenile and it appears by the evidence that one or more of the following conditions exist:

(1) The parents have abandoned the juvenile for six months or more immediately prior to the filing of the petition;

(2) The parents have substantially and continuously or repeatedly neglected the juvenile and refused to give the juvenile necessary parental care and protection;

(3) The parents, being financially able, have willfully neglected to provide the juvenile with the necessary subsistence, education, or other care necessary for his or her health, morals, or welfare or have neglected to pay for such subsistence, education,

or other care when legal custody of the juvenile is lodged with others and such payment ordered by the court;

(4) The parents are unfit by reason of debauchery, habitual use of intoxicating liquor or narcotic drugs, or repeated lewd and lascivious behavior, which conduct is found by the court to be seriously detrimental to the health, morals, or well-being of the juvenile;

(5) The parents are unable to discharge parental responsibilities because of mental illness or mental deficiency and there are reasonable grounds to believe that such condition will continue for a prolonged indeterminate period; or

(6) Following a determination that the juvenile is one as described in subdivision (3)(a) of section 43-247, reasonable efforts, under the direction of the court, have failed to correct the conditions leading to the determination; or

(7) The juvenile has been in an out-of-home placement for eighteen or more consecutive months, and the parents have failed to correct the conditions leading to the juvenile's out-of-home placement in spite of reasonable efforts and services to the parents.

In order to determine whether or not to seek termination of the parent-juvenile relationship pursuant to subdivision (7) of this section, the county attorney who filed the petition to place the juvenile in an out-of-home placement shall review the case of the juvenile when the juvenile has been in such out-of-home placement for eighteen consecutive months. The review shall occur no later than thirty days after the last day of such eighteen-month period. Nothing contained in this subdivision shall prevent the filing of an action pursuant to subdivision (6) of this section.

The Department of Social Services shall submit on a timely basis to the county attorney who filed the petition to place the juvenile in an out-of-home placement a list of the name of each such juvenile who has been in an out-of-home placement for eighteen or more consecutive months.

When termination of the parent-juvenile relationship is sought under subdivision (5) of this section, the court shall appoint a guardian ad litem for the alleged incompetent parent. The court may, in any other case, appoint a guardian ad litem, as may be deemed necessary or desirable, for any party. The guardian ad litem shall be paid a reasonable fee set by the court and paid from the general fund of the county.

Sec. 6. That original section 43-292, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

2. Insert underscoring in sections 1 to 4.

Mrs. Nelson, Messrs. Lamb, and Wehrbein asked unanimous consent to print the following amendment to LB 934 in the Journal. No objections. So ordered.

AM3344

1. Insert the following new sections:

"Section 1. That section 2-1603, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-1603. For the purpose of carrying out the provisions of sections 2-1601 to 2-1607 and section 6 of this act, there may be created in each county or combination of counties within the State of Nebraska an organization to be created in the following manner: Whenever a number of farm operators of a county or counties effect an organization for doing extension work in agriculture and home economics, adopt a constitution and bylaws as are not inconsistent with the Cooperative Extension Service of the University of Nebraska, and are recognized by the extension service as the official body within the county or counties for carrying on extension work in agriculture and home economics within the county or counties, such organization may make such regulations and bylaws for its government and the carrying on of its work as are not inconsistent with the provisions of such sections, except that for the purposes of such sections only one such organization shall be recognized in any one county or counties so affiliated. Any farm operator or spouse of a farm operator who is a legal voter in the county may at any time petition the county board to appropriate a sum of money from the general fund of the county, as provided by section 2-1604, for the purpose of employing and maintaining a county agricultural agent and for carrying out generally the purposes as expressed in sections 2-1601 and 2-1602. It shall be understood that for each family operating a farm, there shall be only one person whose name shall be counted in judging the sufficiency of such petition. When any farm operator or spouse of a farm operator has so petitioned the county board, both spouses shall be deemed members of the county extension organization provided for in sections 2-1601 to 2-1603 and shall be entitled to all voting and participating rights thereto.

Sec. 2. That section 2-1604, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-1604. If, on or before September 1 of any even-numbered year, a petition is filed with the county clerk containing the names of twenty percent or more of the farm operators of any county, ~~or counties,~~ as determined by the last available federal census, ~~comprising a district under sections 2-1601 to 2-1607,~~ asking the submission to the voters of the question of whether there shall be county funds appropriated for the continuance or support of county agricultural extension work in ~~said~~ such county ~~or district~~ on January 1 after the filing of ~~said~~ the petition, it shall be the duty of the clerk of ~~said~~ such county to have placed upon the ballot at the election following the filing of ~~said~~ the petition the question, Shall an appropriation be made annually from the general fund of the county for the support of agricultural extension work?

Yes ... No ...

If a majority of the votes cast on this question are opposed to such appropriation, the county board shall deny the appropriation. If a majority of the votes cast on this question are in favor of the appropriation, the county board shall annually set aside in the general fund of the county an amount equal to the county extension budget~~; PROVIDED, that such sum~~ established under section 2-1606 or 2-1607. Such amount shall not exceed thirty thousand dollars or an amount equal to a levy of two and one-tenth cents on each one hundred dollars upon the actual value of all the taxable property in such county~~, except intangible property,~~ whichever is the greater. As claims are approved by the board of directors or by a joint board established pursuant to section 2-1607 and filed with the county clerk, the county board shall order warrants to be drawn upon the general fund of the county in payment of such claims. ~~It is further provided that in~~ In counties where extension work is being conducted in accordance with sections 2-1110 to 2-1117, C.S.Supp., 1937, which have been repealed, the county board shall continue to appropriate funds for the continuance of extension work until such support is denied by vote as provided for in this section. Whenever any county ~~or group of counties~~ has an organization recognized as the sponsoring organization for extension work by the director of extension service~~,~~ within ~~the~~ a county ~~or counties~~ not then receiving a county appropriation~~,~~ and can show on August 1 of any odd-numbered year that it has a membership of not less than twenty-five percent of the farm operators of ~~each~~ the county included within the organization as petitioners and members, the county board of commissioners or supervisors may appropriate funds for extension work within that county ~~or group of counties~~ for one year~~, as provided for in this section,~~ and the county clerk shall submit the question of continued support at the next general election.

Sec. 3. That section 2-1605, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-1605. In sections 2-1601 to 2-1607 and section 6 of this act the term farm operator shall ~~be understood to refer to~~ mean any person who actually manages, and either by his or her own or other's labor, operates a tract of agricultural land of not less than three acres, and whose name appears on the tax rolls of the county as owning property or equipment such as might be used in operating such tract of agricultural land. The number of farmers in a county shall be determined by the report of the last federal census.

Sec. 4. That section 2-1606, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-1606. The president and secretary of the organization shall on or before January 1 of each year file with the county clerk (1) a report of their work during the preceding year; (2) a sworn itemized statement of expenditures under sections 2-1601 to 2-1607 and section 6 of this act during the preceding year; and (3) a budget or estimate of the funds necessary for the carrying on of such work in the county during the ensuing year.

Sec. 5. That section 2-1607, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-1607. (1) Whenever two or more counties which have complied with the provisions of sections 2-1601 to 2-1607 and section 6 of this act desire to unite ~~in employing a county agricultural agent~~ for the purpose of continuance, support, and management of extension work, they may do so. ~~Each county shall bear its proportionate share of the expense of the counties concerned and shall unite into a joint board for the management of the work. Such county or~~ The participating county organizations shall form a joint board to direct combined extension work in the participating counties and annually select a president and a secretary. The joint board shall each year establish a combined annual budget for such extension work, and each participating county shall pay its proportionate share of expenses under each combined annual budget as such share of expenses shall be determined by the joint board, except that the share of annual expenses to be paid by a participating county shall not exceed the maximum annual extension budget authorized for it under section 2-1604. The participating counties shall be recognized as but one organization for state and federal aid.

(2) The president and secretary of the joint board shall on or before January 1 of each year file with the county clerk of each participating county (a) a report of the combined extension work of the participating counties for the preceding year, (b) a sworn statement of itemized expenditures under sections 2-1601 to 2-1607 and section 6 of this act during the preceding year, and (c) the extension budget for each participating county which shall be the amount to be set aside in the general fund of each participating county to pay its proportionate share of the expenses of the

combined extension work during the ensuing year.

Sec. 6. Whenever two or more county extension organizations have united as provided in section 2-1607 for the purpose of support and management of extension work, county extension employees jointly employed by the participating extension organizations shall be considered persons employed by a county for the purpose of subsection (1) of section 23-2301 and shall participate in the Retirement System for Nebraska Counties under the County Employees Retirement Act. To accomplish such participation the participating county extension organizations shall (1) pick up employee contributions as salary deductions on behalf of such county extension employees in the manner required for a county in section 23-2307, and (2) pay to the carrier an amount in accordance with the provisions of section 23-2308. In all other respects the participation of such county extension employees in the retirement system shall be in accordance with such act.".

2. On page 24, line 7, after "sections" insert "2-1603, 2-1604, 2-1605, 2-1606, 2-1607,".

3. Renumber the remaining sections accordingly.

SELECT FILE

LEGISLATIVE BILL 1063. Mr. Moore withdrew his pending amendment, AM3276, found in the Journal on page 1169.

Mr. Schmit offered the following amendment:
AM3329

(Amendments to AM5267)

1. On page 76, after line 21, insert the following new subsection:

"(6) Net book value of property for a spouse shall not be affected by the death of the other spouse, in such event the surviving spouse shall have the same net book value in the property as the decedent had in such property.".

Messrs. Abboud and Lynch asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Schmit withdrew his pending amendment.

Messrs. Hall and Moore offered the following amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM3299.)

Pending.

MOTION - Adjournment

Mr. Haberman moved to adjourn until 9:00 a.m., March 10, 1992.

Mr. Lindsay requested a machine vote on the motion to adjourn.

Mr. Haberman moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Mr. Haberman requested a roll call vote on his motion to adjourn.

Voting in the affirmative, 13:

Bohlke
Dierks
Elmer
Haberman
Hall
Hefner
Johnson, R.
Moore
Morrissey
Peterson
Rogers
Schellpeper
Schmit

Voting in the negative, 29:

Ashford
Baack
Bernard-Stevens
Beutler
Beyer
Byars
Conway
Coordsen
Crosby
Cudaback
Hartnett
Hillman
Horgan
Kristensen
Lamb
Landis
Lindsay
Nelson
Rasmussen
Robak
Robinson
Schimek
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Excused and not voting, 7:

Abboud
Chambers
Chizek
Johnson, L.
Labedz
Lynch
Pirsch

The motion to adjourn lost with 13 ayes, 29 nays, and 7 excused and not voting.

The Chair declared the call raised.

UNANIMOUS CONSENT - Members Excused

Messrs. Landis and Beutler asked unanimous consent to be excused until they return. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 1063. The Hall-Moore pending amendment, AM3299, on file in the Clerk's office and referred to in this day's Journal, was renewed.

SPEAKER BAACK PRESIDING

Mr. Hall moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 6 nays, and 18 not voting.

Mr. Hall moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mr. Hall requested a roll call vote on the Hall-Moore pending amendment.

Voting in the affirmative, 15:

Beyer
Dierks
Elmer
Haberman
Hall
Hefner
Johnson, R.
Moore
Morrissey
Peterson
Rogers
Schellpeper
Schmit
Wesely
Will

Voting in the negative, 24:

Abboud
Ashford
Baack
Bernard-Stevens
Bohlke
Byars
Conway
Cudaback
Hartnett
Hillman
Horgan
Kristensen
Lamb
Lindsay
Nelson
Rasmussen
Robak
Robinson
Schimek
Schrock
Warner
Wehrbein
Wickersham
Withem

Present and not voting, 2:

Coordsen
Crosby

Excused and not voting, 8:

Beutler
Chambers
Chizek
Johnson, L.
Labedz
Landis
Lynch
Pirsch

The Hall-Moore pending amendment, AM3299, lost with 15 ayes, 24 nays, 2 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Messrs. Lindsay and Lamb offered the following amendment:
AM3371

(Amendments to AM5267)

1. Strike sections 179, 182, 183, 210, and 214 and insert the following new sections:

"Sec. 42. (1) Commencing July 1, 1992, there is hereby imposed a biannual registration fee of four dollars per ton on nitrogen fertilizers and soil conditioners which shall be paid by any person who manufactures a nitrogen fertilizer or soil conditioner that is distributed in this state. For purposes of this section, nitrogen fertilizer or soil conditioner shall mean any commercial fertilizer or soil conditioner as defined in section 81-2,162.02 which contains nitrogen in any form, including total nitrogen, ammiacal nitrogen, nitrate nitrogen, and water-insoluble nitrogen.

(2) The fees imposed by this section shall be collected by the Department of Revenue and shall be due on or before January 31 and on or before July 31 each year, based on the net weight of nitrogen fertilizers and soil conditioners distributed during the preceding period from July 1 through December 31 or January 1 through June 30, respectively. Payment of the fee shall be accompanied by a report setting forth the net weight of nitrogen fertilizers and soil conditioners distributed by the manufacturer during the relevant period. The report shall be on a form provided by the department and shall include such other information as the Tax Commissioner deems necessary.

(3) The department shall issue a receipt for payment of the fees showing that fees corresponding to the weight reported to the department were received by the department.

(4) The Tax Commissioner shall adopt and promulgate rules and regulations to carry out this section.

Sec. 180. (1) Any purchaser of depreciable agricultural machinery or equipment purchased on or after January 1, 1992, for use in commercial agriculture may apply for a refund of all of the Nebraska sales or use taxes and all of the local option sales or use taxes paid on the machinery or equipment.

(2) The purchaser shall file a claim within three years after the date of purchase with the Tax Commissioner pursuant to section 77-2708. The information provided on a tax refund claim allowed under this section may be disclosed to any other tax official of this state.

Sec. 198. That section 79-1372, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1372. ~~For any school year beginning after February 19, 1981, when~~ If either parent of a student attending public schools in any school district is employed in the construction of an electric generating facility, ~~which determination shall be made~~ as determined by the school district within one hundred fifty days after commencement of the school year, the public power district, public power and irrigation district, municipality, electric cooperative, electric membership corporation, or other entity constructing and owning such facility may pay to any such impacted school district, upon written request with certified supporting information from such school district, an amount which shall not exceed the amount derived by (1) taking the total receipts of such school district from the local ~~ad valorem~~ property tax levy for the preceding school year, less one-half of any amount included therein which is provided for the payment of servicing bonded indebtedness on any school facility, plus depreciation at the annual rate of three percent on any school facility, (2) dividing the total thereof by the average daily membership of resident students in such school district for the preceding school year, and (3) multiplying the resulting quotient by the number of children of such employees attending such school district in the current year.

Sec. 210. This act shall be considered a complete act and its provisions inseverable. If any provision of this act is declared unconstitutional, the entire act shall be invalid.".

2. On page 71, line 14, strike "the" and "of property".

3. On page 73, after line 14, insert the following new subsection:

"(3) If Article VIII of the Constitution of Nebraska is not amended in 1992, actual value of tangible personal property for purposes of taxation shall mean the market value of tangible personal property in the ordinary course of trade.".

4. On page 74, line 12, after "Period" insert "(in years)".

5. On page 76, line 23, after "or" insert "tangible".

6. On page 86, lines 15 and 24; and page 87, line 3, strike "value" and insert "values".

7. On page 87, line 2, strike "assessor" and insert "assessors" and strike "assessment" and insert "assessments".

8. On page 96, line 15, after "total" insert "property"; and in line 17 after "state" insert "for the current tax year".

9. On page 104, lines 18 and 19, strike "ad valorem" and insert "property".

10. On page 105, line 18, strike beginning with the first comma through the second comma; and in line 21 strike "giving the names of every such person".

11. On page 108, line 15, strike "ad valorem" and insert "property".

12. On page 112, line 17, after the stricken matter insert "taxable".

13. On page 114, lines 8, 13, and 24; and page 115, line 10, strike "Tangible" and insert "Taxable tangible".

14. On page 114, line 19; and page 118, line 9, before "tangible" insert "taxable".

15. On page 116, strike beginning with "depreciation" in line 17 through "or" in line 18.

16. On page 118, reinstate the stricken matter beginning with "after" in line 11 through "year" in line 12; strike the new matter beginning with "between" in line 12 through "date" in line 14; and in line 15 strike "thereof" and insert "after July 1".

17. On page 125, line 15, after "prescribed" insert "for protests".

18. On page 128, line 19, after "of" insert "the following for the year preceding assessment: Inventories,"; in line 23 after "Service" insert an underscored period; and in line 24 strike "for the" and show as stricken.

19. On page 129, lines 1 and 2, strike the new matter; and in line 2 strike "preceding" and "assessment" and show as stricken.

20. On page 134, line 15, after "total" insert "property"; and in line 17 after "state" insert "for the current tax year".

21. On page 140, lines 15 and 17, strike "listed as", show as stricken, and insert "included in"; and in line 17 strike "one", show as stricken, and insert "the same".

22. On page 142, lines 9, 16, and 19, before "personal" insert "tangible"; and strike beginning with "The" in line 20 through the period in line 22.

23. On page 146, line 11, strike "statement" and insert "form".

24. On page 148, line 5, strike "Tax Commissioner", show as stricken, and insert "state".

25. On page 149, line 5, strike "item of real" and show the old matter as stricken.

26. On page 151, line 13, after "decrease" insert "by a percentage".

27. On page 160, line 23, strike "values" and insert "value".

28. On page 168, line 1, strike "second", show as stricken, and insert "sixth".

29. On page 170, line 21, after "each" insert "item".

30. On page 193, strike beginning with "or" in line 4 through the comma in line 5, show as stricken, and insert an underscored comma; and strike beginning with "said" in line 9 through line 14, show the old matter as stricken, and insert "the decree.".

31. On page 200, line 1; page 221, line 1; and page 223, line 11, strike "179" and insert "180".

32. On page 229, lines 3 and 5, strike "valuation" and insert "value"; and in lines 4 and 6

strike "personal property" and insert "machinery and equipment".

33. On page 233, reinstate the stricken matter beginning in line 10 through "practices" in line 12; and in line 13 before "(b)" insert "or".

34. On page 246, lines 20 and 21; and page 247, line 20, after "school" insert "fiscal".

35. Renumber the remaining sections and correct internal references accordingly.

36. Correct the operative date provisions and repealer so that section 42 added by this amendment becomes operative on July 1, 1992, section 180 added by this amendment becomes operative on January 1, 1992, and sections 198 and 210 added by this amendment become operative on their effective date.

37. In the Wickersham amendment, AM3266, on page 1, line 5, after "or" insert "other ownership"; in line 6 after "other" insert "tax-free"; in line 7 after "reorganization" insert "for income tax purposes"; in line 15 strike "Property subject to taxation" and insert "Tangible personal property"; in line 17 strike "remain" and insert "be"; and in line 18 strike "became subject to tax and its" and insert "was acquired by the previous owner and at the previous owner's".

Messrs. Morrissey and Peterson asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Schmit offered the following amendment to the Lindsay-Lamb pending amendment:
FA304

Amend the Lindsay amendment, AM3371, by adding a new section:

Commencing on July 1, 1992, there is hereby imposed a tax on sludge at a rate of ten dollars per ton.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Schmit withdrew his pending amendment.

PRESIDENT MOUL PRESIDING

Mr. Ashford moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 5 nays, and 19 not voting.

Mr. Haberman requested a record vote on the Lindsay-Lamb amendment, AM3371.

Voting in the affirmative, 29:

Abboud
Ashford
Baack
Bernard-Stevens
Bohlke
Coordsen
Crosby
Cudaback
Dierks
Hefner
Hillman
Horgan
Johnson, R.
Kristensen
Lamb
Lindsay
Nelson
Rasmussen
Robak
Robinson
Schellpeper
Schimek
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 8:

Beyer
Byars
Conway
Elmer
Haberman
Hall
Rogers
Schmit

Present and not voting, 2:

Hartnett
Moore

Excused and not voting, 10:

Beutler
Chambers
Chizek
Johnson, L.
Labedz
Landis
Lynch
Morrissey
Peterson
Pirsch

The Lindsay-Lamb amendment was adopted with 29 ayes, 8 nays, 2 present and not voting, and 10 excused and not voting.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Will asked unanimous consent to print the following amendment to LB 360 in the Journal. No objections. So ordered.

AM3340

1. Insert the following new section:
"Sec. 3. That section 48-151, Reissue Revised

Statutes of Nebraska, 1943, be amended to read as follows:

48-151. Throughout the Nebraska Workers' Compensation Act, the following words and phrases as used therein shall be considered to have the following meaning, respectively, unless the context shall clearly indicate a different meaning in the construction used:

(1) The term physician shall include surgeon and in either case shall mean one legally authorized to practice his or her profession within the State of Nebraska and who is in good standing in his or her profession at the time;

(2) The word accident as used in the Nebraska Workers' Compensation Act shall, unless a different meaning is clearly indicated by the context, be construed to mean an unexpected or unforeseen injury happening suddenly and violently, with or without human fault, and producing at the time objective symptoms of an injury. The claimant shall have a burden of proof to establish by a preponderance of the evidence that such unexpected or unforeseen injury was in fact caused by the employment. There shall be no presumption from the mere occurrence of such unexpected or unforeseen injury that the injury was in fact caused by the employment;

(3) The term occupational disease shall mean only a disease which is due to causes and conditions which are characteristic of and peculiar to a particular trade, occupation, process, or employment, including cumulative trauma, and shall exclude all ordinary diseases of life to which the general public is exposed;

(4) The terms injury and personal injuries shall mean only violence to the physical structure of the body and such disease or infection as naturally results therefrom. The terms shall include disablement resulting from occupational disease arising out of and in the course of the employment in which the employee was engaged and which was contracted in such employment. The terms shall include an aggravation of a preexisting occupational disease, the employer being liable only for the degree of aggravation of the preexisting occupational disease. The terms shall not be construed to include disability or death due to natural causes but occurring while the employee is at work, nor to mean an

injury, disability, or death that is the result of a natural progression of any preexisting condition;

(5) Death, when mentioned as a basis for the right to compensation, shall mean only death resulting from such violence and its resultant effects or from occupational disease;

(6) Without otherwise affecting either the meaning or the interpretation of the abridged clause, personal injuries arising out of and in the course of employment, it is hereby declared: Not to cover workers except while engaged in, on, or about the premises where their duties are being performed, or where their service requires their presence as a part of such service at the time of the injury, and during the hours of service as such workers, and not to cover workers who, on their own initiative, leave their line of duty or hours of employment for purposes of their own;

(7) For the purpose of the Nebraska Workers' Compensation Act, willful negligence shall consist of (a) deliberate act, (b) such conduct as evidences reckless indifference to safety, or (c) intoxication at the time of the injury, such intoxication being without the consent, knowledge, or acquiescence of the employer or the employer's agent; and

(8) Whenever in the Nebraska Workers' Compensation Act the singular is used, the plural shall be included; when the masculine gender is used, the feminine shall be included.".

2. On page 11, line 23, strike "8" and all amendments thereto and insert "12".

3. On page 12, line 9, after the comma insert "48-151,".

4. Renumber the remaining sections accordingly.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1063A. Introduced by Warner, 25.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1991, LB 843, section 14; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1063, Ninety-second Legislature, Second Session, 1992; to reduce certain appropriations to the State Treasurer; to repeal the original section; and to declare an emergency.

MOTION - Adjournment

Mr. Elmer moved to adjourn until 9:00 a.m., March 10, 1992.

Mr. Bernard-Stevens requested a machine vote on the motion to adjourn.

The motion to adjourn lost with 11 ayes, 19 nays, 9 present and not voting, and 10 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1063. Mr. Schmit offered the following amendment:
AM3310

(Amendments to E & R amendments, AM5267)

1. On page 82, line 3, after the period insert "For purposes of this subsection, all farm equipment shall be considered inventory.".

Mr. Ashford asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. R. Johnson asked unanimous consent to be excused. No objections. So ordered.

Pending.

MOTION - Adjournment

Mr. Schellpeper moved to adjourn until 9:00 a.m., March 10, 1992.

Mr. Bernard-Stevens requested a machine vote on the motion to adjourn.

The motion to adjourn lost with 8 ayes, 14 nays, 15 present and not voting, and 12 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1063. The Schmit pending amendment, AM3310, found in this day's Journal, was renewed.

Mr. Schmit moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. Schmit requested a roll call vote on his amendment.

Voting in the affirmative, 7:

Dierks
Elmer
Haberman
Hefner
Rogers
Schellpeper
Schmit

Voting in the negative, 16:

Abboud
Baack
Conway
Crosby
Hall
Hillman
Horgan
Kristensen
Lindsay
Rasmussen
Schimek
Warner
Wesely
Wickersham
Will
Withem

Present and not voting, 14:

Bernard-Stevens
Beutler
Beyer
Bohlke
Byars
Coordsen
Cudaback
Hartnett
Lamb
Moore
Nelson
Robak
Schrock
Wehrbein

Absent and not voting, 1:

Robinson

Excused and not voting, 11:

Ashford
Chambers
Chizek
Johnson, L.
Johnson, R.
Labedz
Landis
Lynch
Morrissey
Peterson
Pirsch

The Schmit amendment lost with 7 ayes, 16 nays, 14 present and not voting, 1 absent and not voting, and 11 excused and not voting.

The Chair declared the call raised.

Mr. Abboud asked unanimous consent to be excused. No objections. So ordered.

Mr. Schmit offered the following amendment:
AM3309

(Amendments to E & R amendments, AM5267)

1. On page 82, line 3, after the period insert "For purposes of this subsection, all livestock shall be considered inventory.".

Messrs. Horgan and Lamb asked unanimous consent to be excused until they return. No objections. So ordered.

Messrs. Beyer, Schellpeper, and Rogers asked unanimous consent to be excused. No objections. So ordered.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Lindsay asked unanimous consent to print the following amendment to LR 219CA in the Journal. No objections. So ordered.

AM3373

(Amendments to AM5268)

1. On page 7, line 3, after "taxation" insert ", so long as the classification or exemption, enacted after December 31, 1992, is made in conformance with Article III, section 18, of this constitution".

MOTION - Adjournment

Mr. Hall moved to adjourn until 9:00 a.m., March 10, 1992.

Mr. Bernard-Stevens requested a machine vote on the motion to adjourn.

The motion to adjourn lost with 6 ayes, 11 nays, 15 present and not voting, and 17 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1063. The Schmit pending amendment, AM3309, found in this day's Journal, was renewed.

Mr. Withem moved the previous question. The question is, "Shall the debate now close?"

Mr. Withem moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mr. Withem requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 22:

Beutler
Bohlke
Byars
Coordsen
Crosby
Cudaback
Hartnett
Hillman
Kristensen
Lamb
Lindsay
Nelson
Rasmussen
Robak
Schimek
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 8:

Conway
Dierks
Elmer
Haberman
Hall
Hefner
Moore
Schmit

Present and not voting, 2:

Baack
Bernard-Stevens

Absent and not voting, 1:

Robinson

Excused and not voting, 16:

Abboud
Ashford
Beyer
Chambers
Chizek
Horgan
Johnson, L.
Johnson, R.
Labedz
Landis
Lynch
Morrissey
Peterson
Pirsch
Rogers
Schellpeper

The motion to cease debate lost with 22 ayes, 8 nays, 2 present and not voting, 1 absent and not voting, and 16 excused and not voting.

The Chair declared the call raised.

Messrs. Robinson, Elmer, Coordsen, Hefner, and Dierks asked unanimous consent to be excused. No objections. So ordered.

The Schmit pending amendment, AM3309, lost with 6 ayes, 13 nays, 10 present and not voting, and 20 excused and not voting.

Pending.

VISITORS

Visitors to the Chamber were 75 first and second grade students and teacher from Elliot Elementary, Lincoln; and Amy Stricker from Gering.

The Doctor of the Day was Andrew Blankenau from Bloomfield.

ADJOURNMENT

At 9:34 p.m., on a motion by Mr. Will, the Legislature adjourned until 9:00 a.m., Tuesday, March 10, 1992.

Patrick J. O'Donnell
Clerk of the Legislature

FORTIETH DAY - MARCH 10, 1992

LEGISLATIVE JOURNAL

FORTIETH DAY - MARCH 10, 1992

LEGISLATIVE JOURNAL

NINETY-SECOND LEGISLATURE
SECOND SESSION

FORTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 10, 1992

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Moul presiding.

PRAYER

The prayer was offered by Pastor Vernon Jacobs, Holy Cross Lutheran Church, Omaha.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Ashford, Beutler, Dierks, Haberman, Hall, Horgan, Lindsay, Lynch, Moore, Morrissey, Schmit, Will, Withem, Mmes. Labedz, Pirsch, and Rasmussen who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-ninth day was approved.

RESOLUTIONS

LEGISLATIVE RESOLUTION 257. Introduced by Kristensen, 37.

WHEREAS, the Axtell High School girls' basketball team has displayed remarkable ability and teamwork; and

WHEREAS, the Axtell High School girls' basketball team achieved a record of 18 wins and 2 losses for the regular season and an overall record of 21 wins and 2 losses after the Girls' State High School Basketball Tournament; and

WHEREAS, the Axtell High School girls' basketball team won the 1992 Class D-1 Girls' State High School Basketball Championship; and

WHEREAS, the Legislature should recognize the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Axtell High School girls' basketball team be congratulated for their success.

2. That a copy of this resolution be sent to the Axtell High School girls' basketball team and Coach Steve Sampy.

Laid over.

LEGISLATIVE RESOLUTION 258. Introduced by Robak, 22.

WHEREAS, the Genoa High School girls' basketball team won the Class C-2 Girls' State High School Basketball Championship with a victory over Cambridge; and

WHEREAS, the Genoa High School girls' basketball team won twenty-one of twenty-four games played this season; and

WHEREAS, the Legislature should recognize the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Genoa High School girls' basketball team be congratulated for their exemplary effort this season and in winning the Girls' State High School Basketball Tournament.

2. That a copy of this resolution be sent to the Genoa High School girls' basketball team.

Laid over.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 256.

UNANIMOUS CONSENT - Print in Journal

Mr. Lamb asked unanimous consent to print the following amendment to LB 306 in the Journal. No objections. So ordered.

AM3286

1. In AM2874, on page 1, line 1, strike "The" and insert "(3)"; and strike beginning with "and" in line 2 through the quotation mark in line 6.

2. On page 9, line 15, strike "subsection (3)".

3. In the E & R amendments, AM5263, on page 1, line 11, strike the second "the", show as stricken, and insert an underscored colon; in line 13 reinstate the stricken matter; and in lines 17 through 21 strike the new matter and reinstate the stricken matter.

RESOLUTION

LEGISLATIVE RESOLUTION 255. Read. Considered.

LR 255 was adopted with 25 ayes, 0 nays, and 24 not voting.

MOTION - Approve Appointments

Mr. Landis moved the adoption of the report of the Banking, Commerce and Insurance Committee for the following Governor appointment found in the Journal on page 1212: Dennis Jorgensen - Nebraska Investment Council.

Voting in the affirmative, 25:

Baack
Beyer
Bohlke
Chambers
Chizek
Conway
Crosby
Cudaback
Dierks
Hartnett
Hefner
Hillman
Johnson, L.
Kristensen
Lamb
Landis
Moore
Robak
Robinson
Rogers
Schellpeper
Schimek
Warner
Wesely
Wickersham

Voting in the negative, 0.

Present and not voting, 9:

Bernard-Stevens
Byars
Coordsen
Elmer
Johnson, R.
Nelson
Peterson
Schrock
Wehrbein

Excused and not voting, 15:

Abboud
Ashford
Beutler
Haberman
Hall
Horgan
Labedz
Lindsay
Lynch
Morrissey
Pirsch
Rasmussen
Schmit
Will
Withem

The appointment was confirmed with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

Mr. Conway moved the adoption of the report of the Government, Military and Veterans Affairs Committee for the following Governor appointments found in the Journal on page 1233: Linda K. Mai and Rhonda Seacrest - Nebraska Accountability and Disclosure Commission.

Voting in the affirmative, 26:

Baack
Beyer
Bohlke
Chambers
Chizek
Conway
Coordsen
Crosby
Cudaback
Dierks
Haberman
Hartnett
Hefner
Hillman
Johnson, L.
Lynch
Nelson
Peterson
Robak
Rogers
Schellpeper
Schimek
Warner
Wehrbein
Wesely
Wickersham

Voting in the negative, 0.

Present and not voting, 10:

Bernard-Stevens
Byars
Elmer
Johnson, R.
Kristensen
Lamb
Landis
Moore
Robinson
Schrock

Excused and not voting, 13:

Abboud
Ashford
Beutler
Hall
Horgan
Labedz
Lindsay
Morrissey
Pirsch
Rasmussen
Schmit
Will
Withem

These appointments were confirmed with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 922. Mr. Bernard-Stevens offered the following amendment:
FA305

Strike subsection (2) Section 3 and replace with:

Sec. 3(2) The Dept of Education is responsible for developing rules & regulations for implementation incorporating the requirements of this bill into the current process of accreditation.

Mr. Bernard-Stevens moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Bernard-Stevens requested a roll call vote on his amendment.

Voting in the affirmative, 19:

Bernard-Stevens
Beutler
Beyer
Byars
Conway
Coordsen
Elmer
Hillman
Johnson, L.
Kristensen
Lamb
Moore
Peterson
Robinson
Schellpeper
Schrock
Wehrbein
Wickersham
Will

Voting in the negative, 18:

Baack
Bohlke
Chambers
Chizek
Crosby
Cudaback
Dierks
Hartnett
Hefner
Labedz
Landis
Lynch
Morrissey
Nelson
Rogers
Schimek
Warner
Wesely

Present and not voting, 4:

Haberman
Johnson, R.
Lindsay
Robak

Excused and not voting, 8:

Abboud
Ashford
Hall
Horgan
Pirsch
Rasmussen
Schmit
Withem

The Bernard-Stevens amendment lost with 19 ayes, 18 nays, 4 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Pending.

Mrs. Nelson asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 1063. Mr. Schmit offered the following amendment:
AM3316

(Amendments to E & R amendments, AM5267)

1. On page 82, line 3, after the period insert "For purposes of this subsection, all beef cattle shall be considered inventory.".

Mr. Schmit moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mr. Schmit requested a roll call vote on his amendment.

Voting in the affirmative, 14:

Byars
Dierks
Elmer
Haberman
Hefner
Johnson, L.
Johnson, R.
Lynch
Morrissey
Peterson
Robak
Rogers
Schellpeper
Schmit

Voting in the negative, 16:

Baack
Bernard-Stevens
Beutler
Bohlke
Conway
Crosby
Cudaback
Hartnett
Hillman
Kristensen
Landis
Lindsay
Schimek
Warner
Wesely
Will

Present and not voting, 13:

Beyer
Chambers
Chizek
Coordsen
Horgan
Labedz
Lamb
Moore
Rasmussen
Robinson
Schrock
Wehrbein
Wickersham

Excused and not voting, 6:

Abboud
Ashford
Hall
Nelson
Pirsch
Withem

The Schmit amendment lost with 14 ayes, 16 nays, 13 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Pending.

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 552. Indefinitely postponed.
LEGISLATIVE BILL 655. Indefinitely postponed.
LEGISLATIVE BILL 1177. Indefinitely postponed.
LEGISLATIVE BILL 1229. Indefinitely postponed.
LEGISLATIVE BILL 1260. Indefinitely postponed.
LEGISLATIVE BILL 1262. Indefinitely postponed.
LEGISLATIVE BILL 1281. Indefinitely postponed.

(Signed) David Landis, Chairperson

SELECT FILE

LEGISLATIVE BILL 1063. Mr. Schmit offered the following amendment:
AM3317

(Amendments to E & R amendments, AM5267)

1. On page 82, line 3, after the period insert "For purposes of this subsection, all swine shall be considered inventory.".

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

Pending.

VISITORS

Visitors to the Chamber were 35 students and teacher from Creighton University, Omaha; 40 fourth grade students and teacher from Valley Elementary; and Mr. and Mrs. Mel Grim from Dannebrog.

RECESS

At 11:58 a.m., on a motion by Mr. Hall, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Moul presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Bernard-Stevens, Chambers, Conway, Coordsen, Haberman, Kristensen, Landis, Lindsay, Morrissey, Robinson, Rogers, Will, Mmes. Bohlke, Nelson, Pirsch, Robak, and Ms. Schimek who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 1063. The Schmit pending amendment, AM3317, found in this day's Journal, was renewed.

Mr. Schmit moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Schmit requested a roll call vote on his amendment.

Voting in the affirmative, 11:

Byars
Elmer
Haberman
Hefner
Johnson, L.
Lynch
Peterson
Robinson
Rogers
Schellpeper
Schmit

Voting in the negative, 20:

Abboud
Ashford
Baack
Bernard-Stevens
Beutler
Chizek
Conway
Crosby
Hall
Hillman
Horgan
Kristensen
Landis
Lindsay
Rasmussen
Schrock
Warner
Wesely
Will
Withem

Present and not voting, 11:

Beyer
Bohlke
Coordsen
Cudaback
Hartnett
Johnson, R.
Labedz
Lamb
Moore
Wehrbein
Wickersham

Excused and not voting, 7:

Chambers Morrissey Pirsch Robak Schimek
Dierks Nelson

The Schmit pending amendment lost with 11 ayes, 20 nays, 11 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Mr. Schmit offered the following amendment:
AM3315

(Amendments to E & R amendments, AM5267)

1. On page 82, line 3, after the period insert "For purposes of this subsection, all dairy animals shall be considered inventory.".

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER BAACK PRESIDING

Messrs. Conway, Ashford, and Mrs. Labedz asked unanimous consent to be excused until they return. No objections. So ordered.

The Schmit amendment lost with 10 ayes, 10 nays, 20 present and not voting, and 9 excused and not voting.

Mr. Schmit offered the following amendment:
AM3313

(Amendments to E & R amendments, AM5267)

1. On page 82, line 3, after the period insert "For purposes of this subsection, all broiler flocks shall be considered inventory.".

Messrs. Rogers, Wesely, R. Johnson, and L. Johnson asked unanimous consent to be excused until they return. No objections. So ordered.

PRESIDENT MOUL PRESIDING

The Schmit amendment lost with 11 ayes, 15 nays, 14 present and not voting, and 9 excused and not voting.

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 259. Introduced by Schimek, 27.

PURPOSE: To study the financial aid system as it impacts Native American students for the state colleges and universities. To study the availability and coordination of tuition assistance and tuition remission programs and policies as it applies to Native American students within the state higher education system.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 447A. Introduced by Bernard-Stevens, 42.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 447, Ninety-second Legislature, Second Session, 1992.

UNANIMOUS CONSENT - Member Excused

Mr. Conway asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 1063. Mr. Schmit offered the following amendment:

AM3311

(Amendments to E & R amendments, AM5267)

1. On page 82, line 3, after the period

insert "For purposes of this subsection, all thoroughbred breeding stock shall be considered inventory.".

Mrs. Crosby asked unanimous consent to be excused until she returns. No objections. So ordered.

The Schmit amendment lost with 9 ayes, 7 nays, 22 present and not voting, and 11 excused and not voting.

Mr. Dierks offered the following amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM3360.)

Mr. Schmit offered the following amendment to the pending Dierks amendment:
FA306
Amend AM3360
Page 10, line 10 strike "100" and insert "10"

The Schmit amendment lost with 7 ayes, 8 nays, 26 present and not voting, and 8 excused and not voting.

Mr. Cudaback asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Dierks withdrew his pending amendment, AM3360.

Mr. Schmit offered the following amendment:
AM3318

(Amendments to E & R amendments, AM5267)

1. On page 82, line 3, after the period insert "For purposes of this subsection, all sheep shall be considered inventory.".

SPEAKER BAACK PRESIDING

PRESIDENT MOUL PRESIDING

Mr. Schmit moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Schmit requested a roll call vote on his amendment.

Voting in the affirmative, 16:

Abboud
Beyer
Byars
Conway
Dierks
Elmer
Haberman
Hefner
Lamb
Lynch
Moore
Morrissey
Peterson
Robak
Schellpeper
Schmit

Voting in the negative, 16:

Baack
Bernard-Stevens
Beutler
Bohlke
Hall
Hillman
Kristensen
Landis
Lindsay
Pirsch
Schimek
Warner
Wehrbein
Wesely
Will
Withem

Present and not voting, 10:

Coordsen
Crosby
Hartnett
Horgan
Johnson, R.
Nelson
Rasmussen
Robinson
Schrock
Wickersham

Absent and not voting, 2:

Ashford
Chizek

Excused and not voting, 5:

Chambers
Cudaback
Johnson, L.
Labedz
Rogers

The Schmit amendment lost with 16 ayes, 16 nays, 10 present and not voting, 2 absent and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Messrs. Withem and Landis moved to reconsider the Lindsay-Lamb amendment, AM3371, found in the Journal on page 1243.

Mr. Schmit raised a point of order on whether following the adoption of a motion to reconsider, the amendment that is being reconsidered is immediately before the Legislature, or whether it should be placed behind all other pending amendments.

The Chair ruled that the amendment that has been reconsidered is the one which is immediately before the body.

Mr. Schmit challenged the ruling of the Chair.

Mr. Schmit withdrew his challenge of the Chair.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hartnett moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

The Withem-Landis motion to reconsider prevailed with 35 ayes, 1 nay, 11 present and not voting, and 2 excused and not voting.

Mr. Lindsay reoffered the amendment, AM3371, found in the Journal on page 1243.

Messrs. Landis and Coordsen offered the following amendment to the pending Lindsay-Lamb amendment:
FA307

(Amendments to AM3371)

1. Strike section 42 and insert the following new section:

"Sec. 42. (1) Commencing April 1, 1992, there shall be imposed a fee of four dollars per ton upon the gross tonnage of all sales, use, or other consumption in this state of commercial fertilizers and soil conditioners. The fee shall be paid by the purchaser of the commercial fertilizer or soil conditioner. For purposes of this section, the definitions found in section 81-2,162.02 shall apply.

(2) The fee imposed by this section shall be collected by the seller and remitted to the Department of Revenue for credit to the General Fund and shall be due monthly, based on the gross tonnage of commercial fertilizers and soil conditioners sold during the preceding month. Payment of the fee shall be accompanied by a report setting forth the gross tonnage of commercial fertilizers and soil conditioners sold by the seller during the preceding month. The report shall be on a form prescribed by the Department of Revenue and shall include such other information as the Tax

Commissioner deems necessary. The provisions of the Nebraska Revenue Act of 1967 applicable to sales and use taxes shall apply to imposition of the fee.

(3) The Tax Commissioner shall adopt and promulgate rules and regulations to carry out this section.".

2. On page 8, line 12, strike "July" and insert "April".

3. Insert the following new amendments and renumber the remaining amendments accordingly:

"32. On page 212, line 16, strike 'one' and insert 'three' and strike 'one', show as stricken, and insert 'one-half'; and in line 17 strike 'one' and insert 'three'; and

33. On page 220, line 1, strike 'one' and insert 'three'; and in line 2 strike 'one', show as stricken, and insert 'one-half' and strike 'one' and insert 'three'.".

Messrs. Elmer and Haberman asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. L. Johnson asked unanimous consent to be excused. No objections. So ordered.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

The Landis-Coordsen pending amendment, FA307, to the pending Lindsay-Lamb amendment, AM3371, was adopted with 25 ayes, 4 nays, 14 present and not voting, and 6 excused and not voting.

PRESIDENT MOUL PRESIDING

Mr. Schellpeper asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

Mr. Withem moved to suspend the rules, Rule 6, Section 5, and Rule 7, Section 3, and vote on the adoption of the Lindsay amendment without further amendment or debate.

The Withem motion to suspend the rules prevailed with 32 ayes, 5 nays, 7 present and not voting, and 5 excused and not voting.

The pending Lindsay-Lamb amendment, AM3371, as amended, was adopted with 33 ayes, 3 nays, 8 present and not voting, and 5 excused and not voting.

Mr. Warner moved to invoke cloture on LB 1063.

Mr. Hall moved to reconsider the adoption of the Lindsay-Lamb amendment, as amended.

Mr. Hall raised a point of order on whether a motion to reconsider has priority over a motion for cloture.

The Chair ruled that a motion for cloture has priority over a motion to reconsider.

Mr. Hall moved to overrule the Chair.

Mr. Withem raised a point of order on whether the Hall point of order is in order, or whether it is precluded under Rule 7, Section 10.

The Chair ruled the Withem point of order is not in order when another point of order is pending.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Withem moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Hall requested a roll call vote on the Hall pending motion to overrule the Chair.

Voting in the affirmative, 8:

Abboud Ashford

Bernard-Stevens
Beyer
Hall
Lynch
Peterson
Schmit

Voting in the negative, 34:

Baack
Beutler
Bohlke
Byars
Chizek
Conway
Coordsen
Crosby
Cudaback
Dierks
Hartnett
Hefner
Hillman
Horgan
Johnson, R.
Kristensen
Labedz
Lamb
Landis
Lindsay
Moore
Nelson
Pirsch
Rasmussen
Robak
Robinson
Schimek
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Present and not voting, 2:

Morrissey
Rogers

Excused and not voting, 5:

Chambers
Elmer
Haberman
Johnson, L.
Schellpeper

The Hall motion to overrule the Chair lost with 8 ayes, 34 nays, 2 present and not voting, and 5 excused and not voting.

Mr. Warner requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 33:

Abboud
Ashford
Baack
Beutler
Bohlke
Byars
Chizek
Coordsen
Crosby
Cudaback
Dierks
Hartnett
Hillman
Horgan
Johnson, R.
Kristensen
Labedz
Lamb
Landis
Lindsay
Nelson
Pirsch
Rasmussen
Robak
Robinson
Schimek
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 7:

Bernard-Stevens
Hall
Hefner
Moore
Morrissey
Peterson
Rogers

Present and not voting, 4:

Beyer
Conway
Lynch
Schmit

Excused and not voting, 5:

Chambers
Elmer
Haberman
Johnson, L.
Schellpeper

The Warner motion for cloture prevailed with 33 ayes, 7 nays, 4 present and not voting, and 5 excused and not voting.

Mr. Moore moved to reconsider the motion to invoke cloture.

Mr. Lindsay raised a point of order on whether a motion to reconsider could be raised following the adoption of a motion to invoke cloture.

The Chair ruled the Moore motion to reconsider is not in order.

Mr. Warner requested a roll call vote on the advancement of LB 1063.

Voting in the affirmative, 30:

Abboud
Ashford
Baack
Bernard-Stevens
Beutler
Bohlke
Byars
Chizek
Crosby
Cudaback
Hartnett
Hillman
Horgan
Kristensen
Labedz
Lamb
Landis
Lindsay
Nelson
Pirsch
Rasmussen
Robak
Robinson
Schimek
Schrock
Warner
Wehrbein
Wesely
Wickersham
Withem

Voting in the negative, 11:

Beyer
Conway
Coordsen
Dierks
Hall
Hefner
Moore
Morrissey
Peterson
Rogers
Schmit

Present and not voting, 3:

Johnson, R.
Lynch
Will

Excused and not voting, 5:

Chambers
Elmer
Haberman
Johnson, L.
Schellpeper

Advanced to E & R for engrossment with 30 ayes, 11 nays, 3 present and not voting, and 5 excused and not voting.

LEGISLATIVE RESOLUTION 219CA. E & R amendment, AM5268, found in the Journal on page 1204, was adopted.

Mr. Lindsay withdrew his pending amendment, AM3284, found in the Journal on page 1178.

Messrs. Ashford, Abboud, Dierks, and R. Johnson asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Lindsay renewed his pending amendment, AM3373, found in the Journal on page 1253.

Mr. Kristensen offered the following amendment to the Lindsay pending amendment:
AM3385

1. In the Lindsay amendment, AM3373, on page 1, lines 2 and 3, strike ", enacted after December 31, 1992,".

Mr. Hefner asked unanimous consent to be excused. No objections. So ordered.

Mr. Kristensen moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

The Kristensen amendment was adopted with 26 ayes, 1 nay, 12 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 1063.

(Signed) Eric Will, Chairperson

Enrollment and Review Change to LB 1063

The following changes, required to be reported for publication in the Journal, have been made:
ER7156

1. The changes made by the Lindsay amendment, AM3371, to the Wickersham amendment, AM3266, were incorporated into the Wickersham amendment, AM3294.
2. Other Enrollment and Review changes were made as necessary to incorporate all adopted amendments.

(Signed) Mary E. Sommermeyer
E & R Attorney

RESOLUTIONS

LEGISLATIVE RESOLUTION 260. Introduced by Moore, 24.

WHEREAS, the Nebraska Supreme Court has ruled that farm and business inventories be returned to the property tax rolls effective January 1, 1992; and

WHEREAS, the taxation of farm and business inventories as personal property will work an extreme hardship on the economic climate of Nebraska; and

WHEREAS, the Nebraska Legislature is poised to submit to the voters a constitutional amendment intended to allow the reinstatement of the exemption of such inventories from personal property tax; and

WHEREAS, the complexity of the issue is certain to give rise to voter confusion and frustration; and

WHEREAS, the Nebraska Legislature recognizes that a rejection by the voters of the constitutional amendment would result in almost all personal property being subject to taxation; and

WHEREAS, the taxation of business and farm inventories is unacceptable to the citizens of the state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. Should the proposed constitutional amendment fail to be enacted, the Nebraska Legislature hereby urges the Governor to call a special session of the Legislature as soon as reasonably possible for the purpose of repealing all personal property taxes in the State of Nebraska.

Laid over.

LEGISLATIVE RESOLUTION 261. Introduced by Moore, 24.

WHEREAS, the Nebraska Supreme Court has ruled that farm and business inventories be returned to the property tax rolls effective January 1, 1992; and

WHEREAS, the taxation of farm and business inventories as personal property will work an extreme hardship on the economic climate of Nebraska; and

WHEREAS, the Nebraska Legislature is poised to submit to the voters a constitutional amendment intended to allow the reinstatement of the exemption of such inventories from personal property tax; and

WHEREAS, the complexity of the issue is certain to give rise to voter confusion and frustration; and

WHEREAS, the Nebraska Supreme Court has ruled that the exemption of farm and business inventories from property taxation is unconstitutional under our present system of property taxation; and

WHEREAS, legislation will be necessary to exempt farm and business inventory from property taxation; and

WHEREAS, a law which is unconstitutional at the time of its enactment is null and void and cannot be reinstated as law by the subsequent adoption of a constitutional amendment; and

WHEREAS, the taxation of business and farm inventories is unacceptable to the citizens of the state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. Should the proposed constitutional amendment be enacted, the Nebraska Legislature hereby urges the Governor to call a special session of the Legislature as soon as reasonably possible following such enactment for the purpose of repealing all personal property taxes in the State of Nebraska.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Moore asked unanimous consent to print the following amendment to LB 1063 in the Journal. No objections. So ordered.

AM3441

(Amendments to AM5267)

1. Insert the following new sections:

"Sec. 12. That section 21-303, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

21-303. At the time of filing such annual report it shall be the duty of every corporation for profit, and registered in the office of the Secretary of State on January 1, whether incorporated under the laws of this state or incorporated under the laws of any other state when such corporations shall have domesticated in this state, to pay to the Secretary of State an annual fee for the calendar year beginning January 1, which fee shall be due and assessable on such date and delinquent if not paid on or before (1) August 1, 1982, or (2) April 15, 1983, and April 15 of each year thereafter, as follows: When the paid-up capital stock of a corporation does not exceed ten thousand dollars, a fee of thirteen dollars; when such paid-up capital stock exceeds ten thousand dollars but does not exceed twenty thousand dollars, a fee of twenty dollars; when such paid-up capital stock exceeds twenty thousand dollars but does not exceed thirty thousand dollars, a fee of thirty dollars; when such paid-up capital stock exceeds thirty thousand dollars but does not exceed forty thousand dollars, a fee of forty dollars; when such paid-up capital stock exceeds forty thousand dollars but does not exceed fifty thousand dollars, a fee of fifty dollars; when such paid-up capital stock exceeds fifty thousand dollars but does not exceed sixty thousand dollars, a fee of sixty dollars; when such paid-up capital stock exceeds sixty thousand dollars but does not exceed seventy thousand dollars, a fee of seventy dollars; when such paid-up capital stock exceeds seventy thousand dollars but does not exceed eighty thousand dollars, a fee of eighty dollars; when such paid-up capital stock exceeds eighty thousand dollars but does not exceed ninety thousand dollars, a fee of ninety dollars; when such paid-up capital stock exceeds ninety thousand dollars but does not exceed one hundred thousand dollars, a fee of one hundred dollars; when such paid-up capital stock exceeds one hundred thousand dollars but does not exceed one hundred twenty-five thousand dollars, a fee of one hundred twenty dollars; when such paid-up capital stock exceeds one hundred twenty-five thousand dollars but does not exceed one hundred fifty thousand dollars, a fee of one hundred forty dollars; when such paid-up capital stock exceeds one hundred fifty thousand dollars but does not exceed one hundred seventy-five thousand dollars, a fee of one hundred sixty dollars; when such paid-up capital stock exceeds one hundred seventy-five thousand dollars but does not exceed two hundred thousand dollars, a fee of one hundred eighty dollars; when such paid-up capital stock exceeds two hundred thousand dollars but does not exceed two hundred twenty-five thousand dollars, a fee of two hundred dollars; when such paid-up capital stock exceeds two hundred twenty-five thousand dollars but does not exceed two hundred fifty thousand dollars, a fee of two hundred twenty dollars; when such paid-up capital stock exceeds two hundred fifty thousand dollars but does not exceed two hundred seventy-five thousand dollars, a fee of two hundred forty dollars; when such paid-up capital stock exceeds two hundred seventy-five thousand dollars but does not exceed three hundred thousand dollars, a fee of two hundred sixty dollars; when such paid-up capital stock exceeds three hundred thousand dollars but does not exceed three hundred twenty-five thousand dollars, a fee of two hundred eighty dollars; when such paid-up capital stock exceeds three hundred twenty-five thousand dollars but does not exceed three hundred fifty thousand dollars, a fee of three hundred dollars; when such paid-up capital stock exceeds three hundred fifty thousand dollars but does not exceed four hundred thousand dollars, a fee of three hundred thirty-three dollars; when such paid-up capital stock exceeds four hundred thousand dollars but does not exceed four hundred fifty thousand dollars, a fee of three hundred sixty-five dollars; when such paid-up capital stock exceeds four hundred fifty thousand dollars but does not exceed five hundred thousand dollars, a fee of four hundred dollars; when such paid-up capital stock exceeds five hundred thousand dollars but does not exceed six hundred thousand dollars, a fee of four hundred fifty-five dollars; when such paid-up capital stock exceeds six hundred thousand dollars but does not exceed seven hundred thousand dollars, a fee of five hundred five dollars; when such paid-up capital stock exceeds seven hundred thousand dollars but does not exceed eight hundred thousand dollars, a fee of five hundred sixty dollars; when such paid-up capital stock exceeds eight hundred thousand dollars but does not exceed nine hundred thousand dollars, a fee of six hundred fifteen dollars; when such paid-up capital stock exceeds nine hundred thousand dollars but does not exceed one million dollars, a fee of six hundred sixty-five dollars; when such paid-up capital stock exceeds one million dollars but does not exceed ten million dollars, a fee of six hundred sixty-five dollars, and four hundred dollars additional for each million or fraction thereof over and above one million dollars; when such paid-up capital stock exceeds ten million dollars but does not exceed fifteen million dollars, a fee of six thousand dollars; when such paid-up capital stock exceeds fifteen million dollars but does not exceed twenty million dollars, a fee of seven thousand three hundred thirty dollars; when such paid-up capital stock exceeds twenty million dollars but does not exceed twenty-five million dollars, a fee of eight thousand six hundred sixty-five dollars; when such paid-up capital stock exceeds twenty-five million dollars but does not exceed fifty million dollars, a fee of ten thousand three hundred thirty dollars; when such paid-up capital stock exceeds fifty million dollars but does not exceed one hundred million dollars, a fee of ten thousand six hundred sixty-five dollars; and when such paid-up capital stock exceeds one hundred million dollars, a fee of eleven thousand nine hundred ninety-five dollars.

The minimum annual fee for filing such report shall be thirteen dollars. For ~~; PROVIDED, for~~ the purpose of determining the annual fee, the stock of corporations incorporated under the laws of any other state, which corporations shall have domesticated in this state, and which stock is without par value, shall be deemed to have a par value of an amount equal to the amount paid in as capital for such shares at the time of the issuance thereof.

For 1993 and 1994, in addition to the annual fee imposed by this section, there is hereby levied on all domestic corporations a fee of thirty-five dollars to be levied and collected in the same manner as the annual fee.".

2. Renumber the remaining sections and correct internal references accordingly.

3. Correct the operative date provision and repealer so that the sections added by this amendment become operative on their effective date.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 255.

VISITORS

Visitors to the Chamber were 40 fourth grade students and teacher from Grant Elementary, Fremont; and Senator Schrock's parents, Sam and Eileen, and his son, Ted.

ADJOURNMENT

At 8:49 p.m., on a motion by Speaker Baack, the Legislature adjourned until 9:00 a.m., Wednesday, March 11, 1992.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-FIRST DAY - MARCH 11, 1992

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

NINETY-SECOND LEGISLATURE
SECOND SESSION

FORTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 11, 1992

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Moul presiding.

PRAYER

The prayer was offered by Pastor Curtis Liesveld, Hope Reformed Church, Lincoln.

ROLL CALL

The roll was called and all members were present except Mrs. Labedz who was excused; and Messrs. Abboud, Ashford, Beutler, Conway, Dierks, Haberman, Hall, Horgan, R. Johnson, Lindsay, Moore, Morrissey, Peterson, Schmit, Warner, Wesely, Wickersham, Withem, Mmes. Hillman, Pirsch, and Rasmussen who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fortieth day was approved.

RESOLUTIONS

LEGISLATIVE RESOLUTION 257. Read. Considered.

Mr. Schrock asked unanimous consent to have his name added as cointroducer to LR 257. No objections. So ordered.

LR 257 was adopted with 19 ayes, 0 nays, and 30 not voting.

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE RESOLUTION 258. Read. Considered.

LR 258 was adopted with 19 ayes, 0 nays, and 30 not voting.

GENERAL FILE

LEGISLATIVE BILL 291A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 3 present and not voting, and 21 excused and not voting.

LEGISLATIVE BILL 306A. Title read. Considered.

Mr. Beutler moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Beutler requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 22:

Baack
Bernard-Stevens
Beutler
Beyer
Byars
Chambers
Chizek
Crosby
Elmer
Hartnett
Hefner
Kristensen
Landis
Lindsay
Moore
Rasmussen
Robinson
Schimek
Wehrbein
Wickersham
Will
Withem

Voting in the negative, 5:

Bohlke
Coordsen
Haberman
Johnson, L.
Lamb

Present and not voting, 9:

Cudaback
Hillman
Lynch
Nelson
Peterson
Robak
Rogers
Schellpeper
Schrock

Excused and not voting, 13:

Abboud
Ashford
Conway
Dierks
Hall
Horgan
Johnson, R.
Labedz
Morrissey
Pirsch

Schmit Warner Wesely

Failed to advance to E & R for review with 22 ayes, 5 nays, 9 present and not voting, and 13 excused and not voting.

The Chair declared the call raised.

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 428A. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 922. Mr. Robinson renewed his pending amendment, AM3342, found in the Journal on page 1234.

Mr. Robinson withdrew his pending amendment.

Mr. Robinson withdrew his pending amendment, AM3361, found in the Journal on page 1234.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 922A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 424. E & R amendment, AM5185, found in the Journal on page 292, was adopted.

Mr. Conway offered the following amendment:
(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM3298.)

The Conway amendment was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Mr. Wesely renewed the Lindsay pending amendment, AM2385, found in the Journal on page 261.

The Lindsay amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Advanced to E & R for engrossment.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Sec. 8, LR 260 and LR 261 were referred to the Reference Committee.

UNANIMOUS CONSENT - Print in Journal

Mr. Chizek asked unanimous consent to print the following amendment to LB 1098 in the Journal. No objections. So ordered.

AM3381

(Amendments to Standing Committee amendments, AM3161)

1. Insert the following new sections:

"Sec. 8. Any person who makes a materially false allegation in an affidavit, before a court, or under any other oath or affirmation for the purpose of obtaining (1) a temporary restraining order pursuant to section 42-357, (2) a protection order pursuant to sections 42-901 to 42-929, or (3) a no-contact order as a condition to bail pursuant to sections 29-901 to 29-910 shall be punished according to section 28-915.01.

Sec. 9. A person subsequently convicted within seven years of a conviction pursuant to section 8 of this act shall be guilty of a Class IV felony.

Sec. 10. Any person who makes a materially false allegation in an affidavit, before a court, or to a peace officer that (1) a temporary restraining order issued pursuant to section 42-357, (2) a protection order issued pursuant to sections 42-901 to 42-929, or (3) a no-contact order issued as a condition to bail pursuant to sections 29-901 to 29-910 has been violated shall be punished according to section 28-907.

Sec. 11. A person subsequently convicted within seven years of a conviction pursuant to section 10 of this act shall be guilty of a Class IV felony.".

2. On page 1, line 18; and page 3, line 18 after "a" insert "direct or implied".

3. On page 2, line 2; and page 3, line 23 strike "great" and insert "serious".

4. On page 5, line 6, after "abuse" insert "or harassment or credible threat".

5. On page 6, after line 15, insert the following new subsection:

"(5) Upon the filing of an affidavit pursuant to section 42-357 or 42-924, it shall be the duty of any person accepting the affidavit for filing in the court's records to inform the affiant orally and in writing of (a) the penalty for stating false information in the affidavit and (b) the penalty for giving false information that (i) a temporary restraining order issued pursuant to section 42-357, (ii) a protection order issued pursuant to sections 42-901 to 42-929, or (iii) a no-contact order issued as a condition to bail pursuant to sections 29-901 to 29-910 has been violated.".

6. Renumber the remaining section accordingly.

RESOLUTIONS

LEGISLATIVE RESOLUTION 262. Introduced by Schimek, 27; Crosby, 29; Beutler, 28.

WHEREAS, twenty-nine students at Lincoln Southeast High School studied the Bill of Rights, classical republicanism, and the issue of limiting individual rights; and

WHEREAS, as a result of their intensive study, the students won the state competition in the National Bicentennial Competition on the Bill of Rights.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That all Nebraskans commend and congratulate these Lincoln Southeast High School students and their teacher, Mr. Ted Larson.
2. That a copy of this resolution be sent to these students and Mr. Larson.

Laid over.

LEGISLATIVE RESOLUTION 263. Introduced by Beutler, 28; Landis, 46; Wesely, 26; Crosby, 29; Schimek, 27; Warner, 25.

WHEREAS, the Pius X High School girls' basketball team through had work, teamwork, and outstanding athletic ability, won the Class B Girls' State Basketball Championship for the second consecutive year; and

WHEREAS, team members Maura Dawson, Carmen Easley, Maggie Easley, Joanne Groth, Chris Kapler, Michelle Metzger, Cari Ortmeier, Michelle Rowe, Dana Seiler, Stephanie Schug, Emily Schultz, and Lynde Thelen have found that the qualities of hard work, teamwork, and outstanding athletic ability led to Pius X's undefeated season and extended their winning streak to thirty-five games; and

WHEREAS, the continuous pursuit of excellence has allowed the team to play in five consecutive title games which is a state record; and

WHEREAS, Coach Don Kelley and assistant coaches Jeff Devries and Kelli Grote, as well as trainer Chuck Scholtes, have found that dedication and the ability to work with those players have resulted in a successful program and season; and

WHEREAS, Pius X High School fans and students were excellent representatives of the school, city, and state and displayed the ability to make their school better through working together; and

WHEREAS, the collective athletic abilities, accomplishments, and dedication of the Pius X High School coaches and players should be commended and are deserving of special recognition.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature commends and applauds the efforts of the Pius X High School girls' basketball team for its efforts and for winning the Class B Girls' State Basketball Championship.
2. That a copy of this resolution be sent to Coach Don Kelley and the team in recognition of their accomplishments and to Principal Greg Logston.

Laid over.

SELECT FILE

LEGISLATIVE RESOLUTION 219CA. Mr. Lindsay renewed his pending amendment, AM3373, found in the Journal on page 1253.

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER BAACK PRESIDING

PRESIDENT MOUL PRESIDING

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Kristensen offered the following amendment to the pending Lindsay amendment:
AM3454

(Amendments to AM3373)

1. Strike amendment 1 and all amendments thereto and insert the following new amendment:

"1. On page 7, line 2, after 'classes' insert 'of property from taxation if such exemption is reasonable'.".

The Kristensen amendment was adopted with 25 ayes, 1 nay, 18 present and not voting, and 5 excused and not voting.

Mrs. Bohlke asked unanimous consent to be excused. No objections. So ordered.

Mr. Lindsay moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. Hall requested a record vote on the Lindsay amendment, as amended.

Voting in the affirmative, 31:

Abboud
Baack
Bernard-Stevens
Byars
Chizek
Conway
Coordsen
Crosby
Cudaback
Dierks
Elmer
Haberman
Hartnett
Hillman
Horgan
Kristensen
Lamb
Landis
Lindsay
Morrissey
Nelson
Rasmussen
Schellpeper
Schimek
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 1:

Hall

Present and not voting, 11:

Beutler
Beyer
Chambers
Hefner
Johnson, L.

Moore Robak Robinson Rogers Schmit
Peterson

Excused and not voting, 6:

Ashford Johnson, R. Labedz Lynch Pirsch
Bohlke

The Lindsay amendment, as amended, was adopted with 31 ayes, 1 nay, 11 present and not voting, and 6 excused and not voting.

Mr. Moore offered the following amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM3419.)

Pending.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative resolutions 260 and 261.

LR	**Committee**
260	Revenue
261	Revenue

(Signed) Jerome Warner, Chairperson
Legislative Council
Executive Board

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1114A. Introduced by R. Johnson, 34.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1114, Ninety-second Legislature, Second Session, 1992.

UNANIMOUS CONSENT - Print in Journal

Mr. Peterson asked unanimous consent to print the following amendment to LB 473 in the Journal. No objections. So ordered.

AM3416

(Amendments to E & R amendments, AM5252)

1. On page 3, line 11, strike "1992" and insert "1993"; and in line 13 strike "even-numbered" and insert "odd-numbered".

Mr. Wesely and Mrs. Crosby asked unanimous consent to print the following amendment to LB 934 in the Journal. No objections. So ordered.

AM3331

1. Insert the following new section:

"Section 1. That section 23-1118, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-1118. (1)(a) Unless the county has adopted a retirement system pursuant to section 23-2329, the county board of any county having a population of one hundred thousand inhabitants or more may, in its discretion and with the approval of the voters, provide retirement benefits for present and future employees of the county. The cost of such retirement benefits shall be funded in accordance with sound actuarial principles with the necessary cost being treated in the county budget in the same way as any other operating expense. ~~Each~~

(b) Except in a county having a population of two hundred thousand or more inhabitants but not more than three hundred thousand inhabitants, each employee shall be required to contribute, or have contributed on his or her behalf, an amount at least equal to the county's contribution to the cost of any such retirement program as to service performed after the adoption of such retirement program, but the cost of any benefits based on prior service shall be borne solely by the county.

(c) In a county having a population of two hundred thousand or more inhabitants but not more than three hundred thousand inhabitants, the county shall establish the employee and employer contributions rates to the retirement plan for each year for three years after the effective date of this act. The amount contributed by the county shall be at least equal to each employee's mandatory contribution rate, if any, but the combined contributions of the county and its employees to the cost of any such retirement program shall not exceed twelve percent of the employees' salaries. This subdivision shall terminate three years from the effective date of this act unless reenacted or reestablished by the Legislature.

(2) Before the county board provides retirement benefits for the employees of the county, such question shall be submitted at a regular general or primary election held within the county, and in which election all persons eligible to vote for the county officials of the county shall be entitled to vote on such question, which shall be submitted in the following language: Shall the county board provide retirement benefits for present and future employees of the county? If a majority of the votes cast upon such question ~~shall be~~ are in favor of such question, then the county board shall be empowered to provide retirement benefits for present and future employees as provided in this section. If such retirement benefits for present and future county employees are approved by the voters and authorized by the county board, then the funds of such retirement system, in excess of the amount required for current operations as determined by the county board, may be invested and reinvested in the class of securities and investments described in section 30-3209.

(3) As used in this section, employees shall mean all persons or officers devoting more than twenty hours per week to employment by the county, all elected officers of the county, and such other persons or officers as are classified from time to time as permanent employees by the county board.

~~(2)~~ (4) The county may pick up the member contributions required by this section for all compensation paid on or after January 1, 1985, and the contributions so picked up shall be treated as employer contributions in determining federal tax treatment under the United States Internal Revenue Code, except that the county shall continue to withhold federal income taxes based upon these contributions until the Internal

Revenue Service, or the federal courts, rule that, pursuant to section 414(h) of the United States Internal Revenue Code, these contributions shall not be included as gross income of the member until such time as they are distributed or made available. The county shall pay these member contributions from the same source of funds which is used in paying earnings to the member. The county shall pick up these contributions by a salary deduction either through a reduction in the cash salary of the member or a combination of a reduction in salary and offset against a future salary increase. Member contributions picked up shall be treated in the same manner and to the same extent as member contributions made prior to the date picked up.".

2. On page 24, line 7, after "sections" insert "23-1118,".

3. Renumber the remaining sections accordingly.

Messrs. Bernard-Stevens, Withem, Mmes. Rasmussen, and Crosby asked unanimous consent to print the following amendment to LB 307 in the Journal. No objections. So ordered.

AM3431

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 77-27,132 Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-27,132. (1) There is hereby created a fund to be designated the Revenue Distribution Fund which shall be set apart and maintained by the Tax Commissioner. Revenue not required to be credited to the General Fund or any other specified fund may be credited to the Revenue Distribution Fund. Credits and refunds of such revenue shall be paid from the Revenue Distribution Fund. The balance of the amount credited, after credits and refunds, shall be allocated as provided by the statutes creating such revenue.

(2) The Tax Commissioner shall pay to a depository bank designated by the State Treasurer all amounts collected under the Nebraska Revenue Act of

1967. The Tax Commissioner shall present to the State Treasurer bank receipts showing amounts so deposited in the bank, and of the amounts so deposited the State Treasurer shall credit to the Highway Trust Fund all of the proceeds of the sales and use taxes derived from motor vehicles, trailers, and semitrailers through the effective date of this act. After such date, the State Treasurer shall credit to the Educational Excellence Fund an amount equal to the revenue generated by a sales and use tax rate of one percent on motor vehicles, trailers, and semitrailers and shall credit to the Highway Trust Fund the remaining revenue generated by the sales and use tax on motor vehicles, trailers, and semitrailers. The balance of the amounts so paid shall be credited to the General Fund.

Sec. 2. That section 79-3509.03, Revised Statutes Supplement, 1991, be amended to read as follows:

79-3509.03. No revenue raised pursuant to the increases in the income tax rate ~~and sales tax rate~~ provided in Laws 1990, LB 1059, shall be appropriated by the Legislature in support of the Help Education Lead to Prosperity Act.

Sec. 3. That original section 77-27,132, Reissue Revised Statutes of Nebraska, 1943, and section 79-3509.03, Revised Statutes Supplement, 1991, are repealed.".

VISITORS

Visitors to the Chamber were Senator Schellpeper's daughter-in-law and grandsons, Kathy, Andrew, and Eric Schellpeper, from Lincoln; 50 fourth grade students and sponsors from Lincoln/Claymar Elementary, Fremont; and Senator Schrock's father-in-law, Eldon Grove, from Edgar.

RECESS

At 11:59 a.m., on a motion by Speaker Baack, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:33 p.m., President Moul presiding.

ROLL CALL

The roll was called and all members were present except Mrs. Labedz who was excused; and Messrs. Beutler, Chambers, Coordsen, Dierks, Warner, Mmes. Pirsch, and Robak who were excused until they arrive.

SELECT FILE

LEGISLATIVE RESOLUTION 219CA. The Moore pending amendment, AM3419, on file in the Clerk's office and referred to in this day's Journal, was renewed.

SPEAKER BAACK PRESIDING

Mr. Withem moved the previous question. The question is, "Shall the debate now close?"

Mr. Moore moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

The motion to cease debate prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Moore requested a record vote on his amendment.

Voting in the affirmative, 20:

Bernard-Stevens
Beyer
Byars
Coordsen
Dierks
Elmer
Haberman
Hall
Hefner
Johnson, L.
Johnson, R.
Lamb
Lynch
Moore
Morrissey
Peterson
Rogers
Schellpeper
Schmit
Schrock

Voting in the negative, 25:

Abboud
Ashford
Baack
Bohlke
Chizek
Conway
Crosby
Cudaback
Hartnett
Hillman
Horgan
Kristensen
Landis
Lindsay
Nelson
Rasmussen
Robak
Robinson
Schimek
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Present and not voting, 2:

Beutler Chambers

Excused and not voting, 2:

Labedz Pirsch

The Moore amendment lost with 20 ayes, 25 nays, 2 present and not voting, and 2 excused and not voting.

Pending.

The Chair declared the call raised.

RESOLUTION

LEGISLATIVE RESOLUTION 264. Introduced by Abboud, 12; Chizek, 31.

WHEREAS, the Millard South High School girls' basketball team won the Class A Girls' State High School Basketball Championship; and

WHEREAS, the team won twenty of twenty-five games played this season; and

WHEREAS, the Legislature should recognize the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Millard South High School girls' basketball team be congratulated for their exemplary effort this season and for winning the Class A Girls' State High School Basketball Championship.
2. That a copy of this resolution be sent to Coach Rich Olson and the Millard South High School.

Laid over.

STANDING COMMITTEE REPORT
Transportation

LEGISLATIVE BILL 1097. Placed on General File as amended.
(Standing Committee amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM3274.)

(Signed) Doug Kristensen, Chairperson

REPORT

Received from the Department of Roads statement of deposits to the Highway Cash fund and Roads Operation Cash fund for the month of February in compliance with section 66-4,144, R.S. Supp. 1991.

ATTORNEY GENERAL'S OPINION

Opinion No. 92038

DATE:	March 9, 1992
SUBJECT:	Federal Insecticide, Fungicide, Rodenticide Act (FIFRA)
REQUESTED BY:	Senator W. Owen Elmer, Nebraska State Legislature
WRITTEN BY:	Don Stenberg, Attorney General Linda L. Willard, Assistant Attorney General

You have asked several questions regarding the Federal Insecticide, Fungicide, Rodenticide Act (FIFRA) and Legislative Bill 349. You first ask if the State of Nebraska is required to adopt a state program under FIFRA. Our answer is no. There is nothing in FIFRA which requires a state to adopt a state program in the area of insecticides, fungicides, and rodenticides. The Act states at 7 U.S.C. § 136w-1 that a state will have primary enforcement responsibility during any period for which the Administrator of the U.S. Environmental Protection Agency (EPA) determines that the state laws and regulations and their implementation are "adequate." Presumably, "adequate" means whether the state laws and regulations are in conformity with the federal regulations. The Administrator cannot require that the state laws and regulations be more strict than the federal regulations, although a state may have laws or regulations that are more strict than the federal Act. This section also states that the Administrator shall have primary enforcement responsibility for those states that do not have primary enforcement responsibility.

Under 7 U.S.C. § 136v, states may regulate the sale and use of federally registered products under the Act but only to the extent that the state regulation does not permit a sale or use that is prohibited by the federal Act. Additionally, 7 U.S.C. § 136u permits the Administrator of the

Environmental Protection Agency to enter into contracts with states to delegate the authority to cooperate in the enforcement of the Act and to cooperate in training and certification of applicators consistent with the standards the Administrator prescribes.

If state laws and regulations are adequate, the Administrator may enter into a contract with the state to allow the state to conduct the primary enforcement of insecticides, fungicides, and rodenticides. If the Administrator determines that a state is not adequately enforcing its own laws under its contract for primary enforcement, after appropriate procedures, the Administrator may rescind all or part of the contract with the state.

You next ask whether the two documents, "PROTECTING THE NATION'S GROUNDWATER: EPA'S STRATEGY FOR THE 1990'S, THE FINAL REPORT OF THE EPA GROUND-WATER TASK FORCE, JULY 1991" and "PESTICIDES AND GROUND-WATER STRATEGY, OCTOBER, 1991" published by the United States Environmental Protection Agency require the State of Nebraska to develop a State Management Plan for groundwater. Again our answer is no. Both of these documents clearly state that they are not regulatory documents and impose no requirement on any party. The documents are stated to be informational documents to advise the public of the strategy and plan which the federal government intends to implement in the areas in question. They advise the public of the direction the federal government will take in decision making based on current federal regulations and may give an indication of the course of future proposed regulations.

Since the documents in question "impose no requirement on any party," they do not require the State of Nebraska to develop a State Management Plan for groundwater. Nor would either of these documents require the state to take over primary enforcement of insecticides, fungicides, or rodenticides. Even if these documents state a preference for state enforcement of FIFRA issues, they do not impose such a duty on the state.

Your final question asks under what authority the two documents cited above have been drafted and whether they carry any legal responsibility to the State of Nebraska. It is unclear from the documents under what specific authority they were issued. Clearly, they are both publications of the United States Environmental Protection Agency. Apparently, from the introductory letter found immediately inside the cover of each document, the documents are intended to advise the public of EPA's policy which will guide federal efforts and serve as a guide to states with primary enforcement responsibility and, undoubtedly, as a guide to states, with or without primary enforcement responsibility, in drafting of statutes and regulations.

Sincerely,
DON STENBERG
Attorney General
(Signed) Linda L. Willard
Assistant Attorney General

28-01-14.92
cc: Patrick J. O'Donnell
Clerk of the Legislature

SELECT FILE

LEGISLATIVE RESOLUTION 219CA. Mr. Schmit offered the following amendment:
AM3414

(Amendments to AM5268)

1. On page 1, lines 15 through 18, strike the new matter.

2. On page 5, strike beginning with "Notwithstanding" in line 9 through the colon in line 12.

3. On page 7, strike beginning with "Notwithstanding" in line 18 through "amendments" in line 21 and insert "Amendments".

Mr. Schmit withdrew his pending amendment.

Mr. Schmit offered the following amendment:
AM3408

(Amendments to AM5268)

1. On page 1, line 7, strike "amendment" and insert "amendments"; and in line 9 after "VIII" insert ", or to amend Article VIII, sections 1 and 2".

2. On page 8, after line 4, insert:

"CVIII-1 The necessary revenue of the state and its governmental subdivisions shall be raised by taxation in such manner as the Legislature may direct. Taxes shall be levied by valuation uniformly and proportionately upon all tangible property and franchises, except that: (1) The Legislature may provide for a different method of taxing motor vehicles and may also establish a separate class of motor vehicles consisting of those owned and held for resale by motor vehicle dealers which shall be taxed in the manner and to the extent provided by the Legislature and may also establish a separate class for trucks, trailers, semitrailers, truck-tractors, or combinations thereof, consisting of those owned by residents and nonresidents of this state, and operating in interstate commerce, and may provide reciprocal and proportionate taxation of such vehicles; PROVIDED, that such tax proceeds from motor vehicles taxed in each county shall be allocated to the ~~state,~~ counties, townships, cities, villages, and school districts of such county in the same proportion that the levy of each bears to the total levy of the county on ~~personal tangible~~ taxable property; and (2) the Legislature may provide that agricultural land and horticultural land, as defined by the Legislature, shall constitute a separate and distinct class of property for purposes of taxation and may provide for a different method of taxing agricultural land and horticultural land which results in values that are not uniform and proportionate with all other ~~tangible~~ real property and franchises but which results in values that are uniform and proportionate upon all property within the class of agricultural land and horticultural land. The Legislature may enact laws to provide that the value of land actively devoted to agricultural or horticultural use shall for property tax purposes be that value which such land has for agricultural or horticultural use without regard to any value which such land might have for other purposes or uses and may prescribe standards and methods for the determination of the value of real ~~or other tangible~~ property at uniform and proportionate values. Taxes uniform as to class of property or the ownership or use thereof may be levied by valuation or otherwise upon classes of intangible property as the Legislature may determine, and such intangible property held in trust or otherwise for the purpose of funding pension, profit-sharing, or other employee benefit plans as defined by the Legislature may be declared exempt from taxation. Taxes other than property taxes may be authorized by law. Existing revenue laws shall continue in effect until changed by the Legislature. The Legislature may provide that livestock shall constitute a separate and distinct class of property for purposes of taxation and may further provide for reciprocal and proportionate taxation of livestock located in this state for only part of a year.'

CVIII-2 The property of the state and its governmental subdivisions shall be exempt from taxation. The Legislature by general law may exempt property owned by and used exclusively for agricultural and horticultural societies, and property owned and used exclusively for educational, religious, charitable, or cemetery purposes, when such property is not owned or used for financial gain or profit to either the owner or user. ~~Household goods and personal effects, as defined by law, may be exempted from taxation in whole or in part, as may be provided by general law, and the Legislature may prescribe a formula for the determination of value of household goods and personal effects.~~ The Legislature by general law may provide that the increased value of land by reason of shade or ornamental trees planted along the highway shall not be taken into account in the assessment of such land. The Legislature by general law and upon any terms, conditions, and restrictions it prescribes, may provide that the increased value of real property resulting from improvements designed primarily for energy conservation may be exempt from taxation. The value of a home substantially contributed by the ~~Veterans' Administration of the~~ United States Department of Veterans Affairs for a paraplegic veteran or multiple amputee shall be exempt from taxation during the life of such veteran or until the death or ~~of his widow or her~~ remarriage of his or her spouse. The Legislature may exempt from an intangible property tax life insurance and life insurance annuity contracts and any payment connected therewith and any right to pension or retirement payments. The Legislature ~~may classify personal property in such manner as it sees fit, and may~~ shall exempt ~~any of such classes, or may exempt~~ all personal property from taxation except motor vehicles. No other property shall be exempt from taxation except as provided in the Constitution. The Legislature may by general law provide that a portion of the value of any residence actually occupied as a homestead by any classification of owners as determined by the

Legislature shall be exempt from taxation.' "; and in line 5 strike "amendment" and insert "amendments".

3. On page 9, line 1, after the first period insert:

" 'A constitutional amendment to provide that the
Legislature shall exempt all personal property
from taxation.
For
Against'.".

Mr. Schmit moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

Mr. Schmit requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Beyer
Byars
Coordsen
Dierks
Elmer
Haberman
Hall
Hefner
Johnson, L.
Johnson, R.
Lamb
Lynch
Moore
Morrissey
Nelson
Peterson
Robak
Rogers
Schellpeper
Schmit

Voting in the negative, 25:

Abboud
Ashford
Baack
Bernard-Stevens
Beutler
Bohlke
Chizek
Conway
Crosby
Cudaback
Hartnett
Hillman
Horgan
Kristensen
Landis
Lindsay
Rasmussen
Robinson
Schimek
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Present and not voting, 2:

Chambers
Schrock

Excused and not voting, 2:

Labedz
Pirsch

The Schmit amendment lost with 20 ayes, 25 nays, 2 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

MR. CONWAY PRESIDING

Mr. Baack moved to suspend the rules, Rule 6, Section 5, and Rule 7, Section 3, and vote on the advancement to E & R for engrossment of LR219CA without consideration of further amendments or motions.

Mr. R. Johnson moved the previous question. The question is, "Shall the debate now close?" The motion lost with 12 ayes, 14 nays, and 23 not voting.

Mr. Baack moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

The Baack motion to suspend the rules prevailed with 31 ayes, 12 nays, 4 present and not voting, and 2 excused and not voting.

Mr. Haberman requested a record vote on the advancement of the resolution.

Voting in the affirmative, 30:

Abboud
Ashford
Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Byars
Chizek
Conway
Crosby
Cudaback
Hartnett
Hillman
Horgan
Kristensen
Lamb
Landis
Lindsay
Nelson
Rasmussen
Robak
Robinson
Schimek
Schrock
Warner
Wehrbein
Wesely
Wickersham
Withem

Voting in the negative, 15:

Coordsen
Dierks
Elmer
Haberman
Hall
Hefner
Johnson, L.
Johnson, R.
Lynch
Moore
Morrissey
Peterson
Rogers
Schellpeper
Schmit

Present and not voting, 2:

Chambers
Will

Excused and not voting, 2:

Labedz
Pirsch

Advanced to E & R for engrossment with 30 ayes, 15 nays, 2 present and not voting, and 2 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Cudaback asked unanimous consent to print the following amendment to LB 1063 in the Journal. No objections. So ordered.

AM3459

(Amendments to Final Reading copy)

1. Insert the following new section: "Sec. 208. The State of Nebraska shall reimburse each county for any costs incurred regarding the assessment of personal property in 1992. The Department of Revenue shall develop and prescribe forms for use by each county to document the expenses incurred. The department shall adopt and promulgate rules and regulations to carry out this section, including a definition of costs.".

2. On page 4, line 15, after the semicolon insert "to reimburse counties for costs incurred regarding the assessment of personal property in 1992;".

3. On page 251, line 20, strike "212" and insert "213"; and in line 24 strike "213" and insert "214".

4. Renumber the remaining sections accordingly.

STANDING COMMITTEE REPORTS
Business and Labor

LEGISLATIVE BILL 1292. Placed on General File as amended.
Standing Committee amendment to LB 1292:
AM3430

1. On page 2, line 23, strike "413.04" and insert "735.04".

2. On page 3, lines 7 and 16 and 17 strike "Park Cash Revolving" and insert "Game".

3. On page 4, strike lines 11 through 17 and insert:

"Sec. 2. The Risk Manager is hereby authorized and directed to make payment on or before

June 30, 1992, on the following miscellaneous claim for the stated amount:"; and strike lines 24 and 25 and insert "Charter Center, Lincoln, NE 68508 355,243.19".

4. On page 5, strike lines 4 through 7 and insert

"Claim No. 91-436, against the Department of Revenue, Mel Grim dba Mel's Service, Box 157, Dannebrog, NE 68831 8,172.98
Claim No. 91-443, against the Department of Social Services, Gerald & Susan Rinne, Box 202, Nebraska City, NE 68410 1,553.80
Claim No. 92-021, against the Department of Social Services, Leonard Marques, P.O. Box 244, Bayard, NE 69334 600.00
Claim No. 92-048, against the Department of Social Services, Sherry Wolf, 104 Paddock, Crawford, NE 69339 444.00".

LEGISLATIVE BILL 1293. Indefinitely postponed.

(Signed) George Coordsen, Chairperson

VISITORS

Visitors to the Chamber were 30 seniors and teacher from Wisner-Pilger; 27 fourth grade students and teacher from Gretna; Laura Loyacono from Denver, Colorado; and 60 third grade students and teacher from Saratoga Elementary, Lincoln.

The Doctor of the Day was Dr. Richard Hanish from St. Paul.

ADJOURNMENT

At 4:27 p.m., on a motion by Speaker Baack, the Legislature adjourned until 8:00 a.m., Thursday, March 12, 1992.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-SECOND DAY - MARCH 12, 1992

LEGISLATIVE JOURNAL

NINETY-SECOND LEGISLATURE
SECOND SESSION

FORTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 12, 1992

Pursuant to adjournment, the Legislature met at 8:00 a.m., Speaker Baack presiding.

PRAYER

The prayer was offered by Pastor Bill Allender, Countryside Community Church, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Ashford, Beyer, Chambers, Chizek, Haberman, Hall, Horgan, R. Johnson, Lindsay, Moore, Morrissey, Schmit, Wehrbein, Will, Mmes. Labedz, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-first day was approved.

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Engrossed

The following resolution was correctly engrossed: LR 219CA.

(Signed) Eric Will, Chairperson

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 257 and LR 258.

RESOLUTIONS

LEGISLATIVE RESOLUTION 262. Read. Considered.

LR 262 was adopted with 24 ayes, 0 nays, and 25 not voting.

LEGISLATIVE RESOLUTION 263. Read. Considered.

LR 263 was adopted with 22 ayes, 0 nays, and 27 not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1178. Placed on Select File as amended.
E & R amendment to LB 1178:
AM5270

1. In the Chambers amendment, FA 300, strike "11" and insert "13".

2. In the Standing Committee amendments, AM2553:

a. On page 6, line 12, strike the second "of" and insert "on"; and in line 19 after "application" insert "for a new or renewal license or card";

b. On page 9, line 12, after "(8)" insert "Any other information required by the director; and ~~.~~ (9)"; and in line 13 strike the question mark and insert an underscored colon;

c. On page 10, strike line 24;

d. On page 11, strike line 1; and

e. On page 17, line 13, strike the comma and show as stricken; and in line 23 after "license" insert "or state identification card".

3. On page 1, strike lines 2 through 9 and insert "sections 71-4802, 71-4804, and 71-4808, Reissue Revised Statutes of Nebraska, 1943, sections 60-493, 60-494, 60-4,144, 60-4,151, and 60-4,181, Revised Statutes Supplement, 1990, and section 60-484, Revised Statutes Supplement, 1991; to change the manner

anatomical gift information is included on motor vehicle operator's licenses; to provide for anatomical gift information on commercial driver's licenses and state identification cards; to provide for the distribution of anatomical gift information and brochures; to change provisions relating to anatomical gifts made pursuant to the Uniform Anatomical Gift Act; to change and eliminate provisions relating to".

LEGISLATIVE BILL 1178A. Placed on Select File.

(Signed) Eric Will, Chairperson

PRESIDENT MOUL PRESIDING

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 898.

A BILL FOR AN ACT relating to the Legislature; to amend sections 50-401.01, 50-402, 50-412, and 50-418, Reissue Revised Statutes of Nebraska, 1943; to change the manner of electing members of the Executive Board of the Legislative Council; to change and provide provisions relating to the appointment, supervision, qualifications, and salaries of support staff; to eliminate a provision on the hiring and confirmation of employees; and to repeal the original sections, and also section 50-403, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 35:

Baack
Bernard-Stevens
Beutler
Bohlke
Chizek
Conway
Coordsen
Crosby
Cudaback
Dierks
Elmer
Haberman
Hartnett
Hefner
Hillman
Johnson, L.
Kristensen
Lamb
Landis
Lynch
Moore
Nelson
Peterson
Rasmussen
Robak
Robinson
Rogers
Schellpeper
Schimek
Schrock
Warner
Wehrbein
Wesely
Wickersham

Withem

Voting in the negative, 0.

Present and not voting, 1:

Byars

Excused and not voting, 13:

Abboud
Ashford
Beyer
Chambers
Hall
Horgan
Johnson, R.
Labedz
Lindsay
Morrissey
Pirsch
Schmit
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 989.

A BILL FOR AN ACT relating to elections; to amend sections 32-1001.06 to 32-1001.10, 32-1001.23, 32-1001.29, 32-1001.30, and 32-1001.31, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to contest of elections for members of the Legislature; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 35:

Ashford
Baack
Bernard-Stevens
Beutler
Bohlke
Chizek
Conway
Coordsen
Crosby
Cudaback
Dierks
Elmer
Haberman
Hartnett
Hefner
Hillman
Johnson, L.
Kristensen
Lamb
Landis
Moore
Nelson
Peterson
Rasmussen
Robak
Robinson
Rogers
Schellpeper
Schimek
Schrock
Warner
Wehrbein
Wesely
Wickersham
Withem

Voting in the negative, 0.

Present and not voting, 2:

Byars
Lynch

Excused and not voting, 12:

Abboud
Beyer
Chambers
Hall
Horgan
Johnson, R.
Labedz
Lindsay
Morrissey
Pirsch
Schmit
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 746. With Emergency.

A BILL FOR AN ACT relating to metropolitan utilities districts; to amend sections 10-126, 14-542, 14-554, 14-814, 14-815, 14-1001 to 14-1013, 14-1015 to 14-1019, 14-1021 to 14-1024, 14-1026 to 14-1030, 14-1032, 14-1034 to 14-1036, 14-1038, 14-1039, 14-1041, 14-1042, 14-1101 to 14-1102.01, 14-1103.01 to 14-1105, 14-1108 to 14-1117, 18-401, 18-403, 18-404, 18-405, 18-406, 18-408, 18-409, 18-410, 71-6316, 77-2342, 77-2344, and 77-2349, Reissue Revised Statutes of Nebraska, 1943, and sections 32-1401, 32-1402, and 32-1406, Revised Statutes Supplement, 1990; to change, transfer, and eliminate provisions relating to public utilities; to change a penalty provision; to provide a duty for the Revisor of Statutes; to eliminate provisions relating to water boards, private water plants, and gas plants; to harmonize provisions; to repeal the original sections, and also sections 14-901 to 14-918, 14-1031, 14-1037, 14-1040, and 14-1103, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 38:

Abboud
Ashford
Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Byars
Chizek
Conway
Coordsen
Cudaback
Dierks
Elmer
Haberman
Hartnett
Hefner
Hillman
Johnson, L.
Kristensen
Lamb
Landis
Lynch
Moore
Nelson
Peterson
Rasmussen
Robak
Robinson
Schellpeper
Schimek
Schmit
Schrock
Warner

Wehrbein
Wesely
Wickersham
Withem

Voting in the negative, 0.

Present and not voting, 2:

Crosby
Rogers

Excused and not voting, 9:

Chambers
Hall
Horgan
Johnson, R.
Labedz
Lindsay
Morrissey
Pirsch
Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Suspend Rules

Mr. Baack moved to suspend the rules, Rule 5, Section 6(f and g), Rule 6, Section 7(b), and Rule 8, Section 5, to permit consideration of LB 1063 on final reading today.

Mr. Moore requested a division of the question on the Baack motion to suspend the rules.

The Chair ruled the Moore request out of order pursuant to Rule 2, Section 2.

Mr. Withem moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Haberman requested a record vote on the Baack motion to suspend the rules.

Voting in the affirmative, 30:

Abboud
Ashford
Baack
Bernard-Stevens
Beyer
Bohlke
Byars
Chizek
Conway
Crosby
Cudaback
Hartnett
Hillman
Horgan
Johnson, R.
Kristensen
Lamb
Landis
Morrissey
Nelson
Rasmussen
Robak
Robinson
Schimek

Schrock
Warner
Wehrbein
Wesely
Wickersham
Withem

Voting in the negative, 9:

Dierks
Elmer
Haberman
Hefner
Johnson, L.
Moore
Peterson
Schellpeper
Schmit

Present and not voting, 7:

Beutler
Coordsen
Hall
Lindsay
Lynch
Rogers
Will

Excused and not voting, 3:

Chambers
Labedz
Pirsch

The Baack motion to suspend the rules prevailed with 30 ayes, 9 nays, 7 present and not voting, and 3 excused and not voting.

MOTION - Suspend Rules

Mr. Baack moved to suspend the rules, Rule 6, Section 7 & 8 and Rule 7, Section 3, and vote on the final passage of LB 1063 without consideration of further amendments or motions.

Mr. Moore asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Robak moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 4 nays, and 19 not voting.

The Baack motion to suspend the rules prevailed with 30 ayes, 7 nays, 9 present and not voting and 3 excused and not voting.

UNANIMOUS CONSENT - Member Excused

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 1063. With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 2-2444, 13-501, 13-503, 13-508, 13-509, 14-1821, 15-808, 16-702, 17-955, 17-957, 18-2107, 21-17,126, 23-104, 23-132, 23-227, 23-250, 23-259, 23-320.07, 23-3201, 23-3501, 23-3502, 23-3515, 23-3552, 31-333, 31-410.01, 31-411.02, 31-447, 31-513, 31-711, 31-739, 31-773, 31-779, 32-4,114, 35-507, 39-1518, 39-1621, 46-541, 46-542, 46-543, 46-544, 46-631, 77-101, 77-103, 77-398, 77-399, 77-3,100, 77-505, 77-506, 77-507.01, 77-508, 77-604, 77-908, 77-1201, 77-1202, 77-1209, 77-1209.02, 77-1209.03, 77-1211, 77-1219, 77-1229, 77-1229.01, 77-1232, 77-1233.02, 77-1233.04, 77-1233.05, 77-1236, 77-1238, 77-1239, 77-1240.01, 77-1241.01, 77-1248, 77-1249, 77-1301, 77-1301.07, 77-1301.12, 77-1303, 77-1311.01, 77-1315, 77-1317, 77-1338, 77-1342, 77-1502, 77-1503.01, 77-1514, 77-1601, 77-1612, 77-1613, 77-1617, 77-1618, 77-1703, 77-1704, 77-1802, 77-1803, 77-1804, 77-1806, 77-1807, 77-1808, 77-1810, 77-1812, 77-1814, 77-1815, 77-1818, 77-1820, 77-1823, 77-1824, 77-1826, 77-1827, 77-1829, 77-1830, 77-1831, 77-1832, 77-1833, 77-1834, 77-1836, 77-1842, 77-1845, 77-1846, 77-1847, 77-1848, 77-1856, 77-1904, 77-1906, 77-1907, 77-1909, 77-1910, 77-1911, 77-1912, 77-1914, 77-1915, 77-1916, 77-1917, 77-1918, 77-2734.03, 77-27,136, 77-27,137, 77-27,139, 77-3402, 77-3411, 77-3701, 79-547.03, 79-1007, 79-1372, and 79-2210, Reissue Revised Statutes of Nebraska, 1943, section 79-903, Revised Statutes Supplement, 1990, sections 77-112, 77-201, 77-202, 77-509, 77-510, 77-1301.01, 77-1504, 77-1506.02, 77-1510, 77-1736.06, 77-2708, 77-3437, 77-3438, 77-3439, 77-3440, 77-3441, 79-2203, 79-3814, 79-3816, 79-3818, and 79-3819, Revised Statutes Supplement, 1991, sections 77-2701 and 77-2703, Revised Statutes Supplement, 1991, as amended by sections 3 and 25, respectively, Legislative Bill 871, Ninety-second Legislature, Second Session, 1992, Laws 1981, LB 81, section 6, and Laws 1981, LB 81, section 5, as amended by Laws 1986, LB 124, section 3, and Laws 1991, LB 137, section 2; to change dates and other provisions relating to listing, valuation of, levy on, and levy certification for property for taxation purposes; to eliminate references to actual value and intangible property; to define and redefine terms; to provide alternate methods for taxation of personal property; to change exemptions from the Nebraska Budget Act; to provide powers and duties for county clerks acting as ex officio county assessors; to impose a fee on fertilizers and soil conditioners; to provide for and eliminate property tax exemptions; to provide for taxation of improvements on leased lands and mobile homes as real property; to change and eliminate penalties; to change provisions relating to removal or demolition of real property; to change provisions relating to property tax refunds; to provide for refunds of sales and use taxes paid on agricultural machinery and equipment; to change the collection fee for sales and use tax collectors; to change provisions relating to a tax credit; to change state aid for counties; to change provisions relating to limitations on political subdivision budgets and the Tax Equity and Educational Opportunities Support Act; to change and provide termination dates; to correct and change operative date and repealer provisions; to eliminate provisions on tax commissioners for cities of the primary class, the applicability of prior legislation, and mobile home stickers; to harmonize provisions; to provide duties for the Revisor of Statutes; to provide operative dates; to provide for inseverability; to repeal the original sections, and also sections 13-514, 15-318, 15-319, 15-320, 15-321, 77-103.01, 77-202.46, 77-202.47, 77-1209.04, 77-1209.05, 77-1212, 77-1725, 77-27,140, 77-3702, 77-3703, 77-3704, and 77-3705, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 33:

Abboud
Ashford
Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Byars
Chizek
Conway
Crosby
Cudaback
Hartnett
Hillman
Horgan
Kristensen
Labedz
Lamb
Landis
Lindsay
Nelson
Pirsch
Rasmussen
Robak
Robinson
Schimek
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 15:

Coordsen
Dierks
Elmer
Haberman
Hall
Hefner
Johnson, L.
Johnson, R.
Lynch
Moore
Morrissey
Peterson
Rogers
Schellpeper
Schmit

Excused and not voting, 1:

Chambers

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1122A. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1122, Ninety-second Legislature, Second Session, 1992.

RESOLUTION

LEGISLATIVE RESOLUTION 265. Introduced by Schellpeper, 18.

PURPOSE: The purpose of this study is to examine the quarterhorse racing industry in the State of Nebraska. The study shall examine methods of improving the financial viability of the quarterhorse racing industry and shall include the following:

(1) Methods of making Nebraska quarterhorse tracks financially viable;

(2) Simulcasting Nebraska quarterhorse races or establishing provisions to allow Nebraska quarterhorse tracks to receive simulcast signals from other tracks;

(3) The feasibility of quarterhorse racing at thoroughbred tracks and the possible resulting effects on Nebraska thoroughbred racing; and

(4) Any other matters necessary or proper to an appropriate examination of this issue.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Mrs. Rasmussen asked unanimous consent to print the following amendment to LB 1084 in the Journal. No objections. So ordered.

AM3264

1. On page 14, line 15, strike "and"; in line 18 after "request" insert ", and (D) information shall be made available in accordance with the Nebraska Workers' Compensation Act"; and strike line 20 and insert "only in a manner not inconsistent with the Nebraska Fair Employment Practice Act; and".

Mr. Coordsen asked unanimous consent to print the following amendment to LB 360 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM3382.)

Mr. Landis asked unanimous consent to print the following amendment to LB 1006 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM3448.)

Mr. Warner asked unanimous consent to print the following amendment to LB 1063A in the Journal. No objections. So ordered.

AM3460

1. On page 2, line 2, strike "$50,000" and insert "$95,500"; in line 3 strike "$25,000" and insert "$85,800"; and in lines 9 and 10 strike "$15,000" and insert "$50,000".

MOTION - Place LB 1172 on General File

Mr. Wickersham moved to place LB 1172 on General File pursuant to Rule 3, Sec. 19b.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Moore asked unanimous consent to print the following amendment to LR 261 in the Journal. No objections. So ordered.

AM3483

1. In LR261 found on page 1275 of the Legislative Journal, strike the fourth "WHEREAS" and insert the following:

WHEREAS, the Nebraska Legislature is poised to enact legislation to allow the exemption of farm and business inventories from taxation; and".

2. Strike the sixth "WHEREAS".

3. In the first "Resolved", strike beginning with "repealing" in line 4 through the period in line 5 and insert "reenacting the legislation passed by the Ninety-second Legislature of Nebraska, Second Session, 1992, relating to the taxation of personal property pursuant to such constitutional amendment.".

MOTION - Suspend Rules

Mr. Baack moved to suspend the rules, Rule 4, Section 2, Rule 6, Section 7 & 8, and Rule 7, Section 3, to permit consideration of LR 219CA without further amendment, motion, or debate.

Mr. Robinson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 3 nays, and 21 not voting.

The Baack motion to suspend the rules prevailed with 34 ayes, 10 nays, 4 present and not voting, and 1 excused and not voting.

RESOLUTION ON FINAL READING

The following resolution was read and put upon final passage:

LEGISLATIVE RESOLUTION 219CA.

A resolution to propose amending the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at a special election on May 12, 1992, there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska to amend Article VIII, sections 1, 2, and 5, and to add a new section 13 to Article VIII:

CVIII-1 "The necessary revenue of the state and its governmental subdivisions shall be raised by taxation in such manner as the Legislature may direct. ~~Taxes shall be levied by valuation uniformly and proportionately upon all tangible property and franchises, except that: (1) The~~ Notwithstanding Article I, section 16, Article III, section 18, or Article VIII, section 4, of this Constitution or any other provision of this Constitution to the contrary: (1) Taxes shall be levied by valuation uniformly and proportionately upon all real property and franchises as defined by the Legislature except as otherwise provided in or permitted by this Constitution; (2) tangible personal property, as defined by the Legislature, not exempted by this Constitution or by legislation, shall all be taxed at depreciated cost using the same depreciation method with reasonable class lives, as determined by the Legislature, or shall all be taxed by valuation uniformly and proportionately; (3) the Legislature may provide for a different method of taxing motor vehicles and may also establish a separate class of motor vehicles consisting of those owned and held for resale by motor vehicle dealers which shall be taxed in the manner and to the extent provided by the Legislature and may also establish a separate class for trucks, trailers, semitrailers, truck-tractors, or combinations thereof, consisting of those owned by residents and nonresidents of this state, and operating in interstate commerce, and may provide reciprocal and proportionate taxation of such vehicles; PROVIDED, that such tax proceeds from motor vehicles taxed in each county shall be allocated to the ~~state,~~ counties, townships, cities, villages, ~~and~~ school districts, and other governmental subdivisions of such county in the same proportion that the levy of each bears to the total levy of the county on ~~personal tangible~~ taxable property; ~~and (2)~~ (4) the Legislature may provide that agricultural land and horticultural land, as defined by the Legislature, shall constitute a separate and distinct class of property for purposes of taxation and may provide for a different method of taxing agricultural land and horticultural land which results in values that are not uniform and proportionate with all other ~~tangible~~ real property and franchises but which results in values that are uniform and proportionate upon all property within the class of agricultural land and horticultural land; (5) the ~~. The~~ Legislature may enact laws to provide that the value of land actively devoted to agricultural or horticultural use shall for property tax purposes be that value which such land has for agricultural or horticultural use without regard to any value which such land might have for other purposes or uses; (6) the Legislature ~~and~~ may prescribe standards and methods for the determination of the value of real ~~or other tangible~~ property at uniform and proportionate values; (7) in furtherance of the purposes for which such a law of the United States has been adopted, whenever there exists a law of the United States which is intended to protect a specifically designated type, use, user, or owner of property or franchise from discriminatory state or local taxation, such property or franchise shall constitute a separate class of property or franchise under the laws of the State of Nebraska, and such property or franchise may not be taken into consideration in determining whether taxes are levied by valuation uniformly or proportionately upon any property or franchise, and the Legislature may enact laws which statutorily recognize such class and which tax or exempt from taxation such class of property or franchise in such manner as it determines; and (8) the Legislature may provide that livestock shall constitute a separate and distinct class of property for purposes of taxation and may further provide for reciprocal and proportionate taxation of livestock located in this state for only part of a year. Each actual property tax rate levied for a governmental subdivision shall be the same for all classes of taxed property and franchises. Taxes uniform as to class of property or the ownership or use thereof may be levied by valuation or otherwise upon classes of intangible property as the Legislature may determine, and such intangible property held in trust or otherwise for the purpose of funding pension, profit-sharing, or other employee benefit plans as defined by the Legislature may be declared exempt from taxation. Taxes other than property taxes may be authorized by law. Existing revenue laws shall continue in effect until changed by the Legislature. ~~The Legislature may provide that livestock shall constitute a separate and distinct class of property for purposes of taxation and may further provide for reciprocal and proportionate taxation of livestock located in this state for only part of a year.~~"

CVIII-2 "Notwithstanding Article I, section 16, Article III, section 18, or Article VIII, section 1 or 4, of this Constitution or any other provision of this Constitution to the contrary: (1) The property of the state and its governmental subdivisions shall constitute a separate class of property and shall be exempt from taxation; (2) the ~~. The~~ Legislature by general law may classify and exempt from taxation property owned by and used exclusively for agricultural and horticultural societies~~,~~ and property owned and used exclusively for educational, religious, charitable, or cemetery purposes, when such property is not owned or used for financial gain or profit to either the owner or user; (3) household ~~. Household~~ goods and personal effects, as defined by law, may be exempted from taxation in whole or in part, as may be provided by general law, and the Legislature may prescribe a formula for the determination of value of household goods and personal effects; (4) the ~~. The~~ Legislature by general law may provide that the increased value of land by reason of shade or ornamental trees planted along the highway shall not be taken into account in the assessment of such land; (5) the ~~. The~~ Legislature, by general law and upon any terms, conditions, and restrictions it prescribes, may provide that the increased value of real property resulting from improvements designed primarily for energy conservation may be exempt from taxation; (6) the ~~. The~~ value of a home substantially contributed by the ~~Veterans' Administration of the~~ United States Department of Veterans Affairs for a paraplegic veteran or multiple amputee shall be exempt from taxation during the life of such veteran or until the death ~~of his widow or her~~ or remarriage~~. The~~ of his or her surviving spouse; (7) the Legislature may exempt from an intangible property tax life insurance and life insurance annuity contracts and any payment connected therewith and any right to pension or retirement payments; (8) the Legislature may exempt inventory from taxation; (9) the ~~. The~~ Legislature may define and classify personal property in such manner as it sees fit, whether by type, use, user, or owner, and may exempt any ~~of~~ such class or classes~~,~~ of property from taxation if such exemption is reasonable or may exempt all personal property from taxation; (10) no ~~. No~~ property shall be exempt from taxation except as permitted by or as provided in ~~the~~ this Constitution; and (11) the ~~. The~~ Legislature may by general law provide that a portion of the value of any residence actually occupied as a homestead by any classification of owners as determined by the Legislature shall be exempt from taxation."

CVIII-5 "County authorities shall never assess taxes the aggregate of which shall exceed fifty cents per one hundred dollars ~~actual valuation~~ of taxable value as determined by the assessment rolls, except for the payment of indebtedness existing at the adoption hereof, unless authorized by a vote of the people of the county."

CVIII-13 "Notwithstanding Article I, section 16, Article III, section 18, or Article VIII, section 1 or 4, of this Constitution or any other provision of this Constitution to the contrary, amendments to Article VIII of this Constitution passed in 1992 shall be effective from and after January 1, 1992, and existing revenue laws and legislative acts passed in the regular legislative session of 1992, not inconsistent with this Constitution as amended, shall be considered ratified and confirmed by such amendments without the need for legislative reenactment of such laws.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to separate tangible personal property from the uniform and proportionate provision applicable to real property, to provide for the valuation of taxable tangible personal

property at depreciated cost or at actual value uniformly and proportionately, to provide for the separate classification of property and franchises protected by federal law, to harmonize a provision relating to the limitation on county taxes, and to provide that legislation passed in the regular 1992 legislative session shall be effective January 1, 1992, and is ratified and confirmed by this amendment.
For
Against".

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the resolution pass?' "

Voting in the affirmative, 36:

Abboud
Ashford
Baack
Beutler
Beyer
Bohlke
Byars
Chizek
Conway
Coordsen
Crosby
Cudaback
Hartnett
Hefner
Hillman
Horgan
Johnson, R.
Kristensen
Labedz
Lamb
Landis
Lindsay
Nelson
Pirsch
Rasmussen
Robak
Robinson
Schellpeper
Schimek
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 11:

Dierks
Elmer
Haberman
Hall
Johnson, L.
Lynch
Moore
Morrissey
Peterson
Rogers
Schmit

Present and not voting, 1:

Bernard-Stevens

Excused and not voting, 1:

Chambers

Having failed to receive a constitutional four-fifths majority voting in the affirmative, the resolution failed to pass for the primary election. The question is, "Shall the resolution pass for the general election?"

Voting in the affirmative, 33:

Abboud
Ashford
Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Byars
Chizek
Conway
Crosby
Cudaback
Hartnett
Hefner
Hillman
Horgan
Johnson, R.
Kristensen
Labedz
Lamb
Landis
Nelson
Pirsch
Rasmussen
Robak
Robinson
Schimek
Schrock
Warner
Wehrbein
Wesely
Wickersham
Withem

Voting in the negative, 14:

Coordsen
Dierks
Elmer
Haberman
Hall
Johnson, L.
Lindsay
Lynch
Morrissey
Peterson
Rogers
Schellpeper
Schmit
Will

Present and not voting, 1:

Moore

Excused and not voting, 1:

Chambers

A constitutional three-fifths majority having voted in the affirmative, the resolution was declared passed for the general election.

MOTION - Reconsider Action on LR 219CA

Mr. Bernard-Stevens moved to reconsider the vote on LR 219CA for the primary election.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 360. Placed on Select File as amended.
(E & R amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM5269.)

LEGISLATIVE BILL 360A. Placed on Select File.

(Signed) Eric Will, Chairperson

VISITORS

Visitors to the Chamber were eight students and teacher from Gering High School; 38 fourth grade students and teacher from St. Mary's, David City; Roger Sato from Scottsbluff; students and teachers from Blessed Sacrament, Omaha; and Susana Rios, Ampuro Salinas, Daria deLeon, Leslie Velez, and Elisa Lopez from Mexico, and Bob Eversoll from Grand Island.

MOTION - Recess

Mr. Withem moved to recess until 1:30 p.m. The motion prevailed with 24 ayes, 10 nays, 14 present and not voting, and 1 excused and not voting, and at 11:56 a.m., the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Baack presiding.

ROLL CALL

The roll was called and all members were present except Mr. Lynch who was excused; and Messrs. Chambers and Horgan who were excused until they arrive.

RESOLUTION

LEGISLATIVE RESOLUTION 266. Introduced by Dierks, 40.

WHEREAS, the Lynch Lady Eagles basketball team won the Class D-2 Girls' State High School Basketball Championship with a victory over Lawrence; and

WHEREAS, the Lady Eagles achieved a 22-1 record for the 1991-92 season and successfully defended their state championship; and

WHEREAS, the Legislature should recognize the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Lynch Lady Eagles basketball team be congratulated for their exemplary effort this season and in the Girls' State High School Basketball Tournament.

2. That a copy of this resolution be sent to the Lynch High School and the girls' basketball coach.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Hall asked unanimous consent to print the following amendment to LB 130 in the Journal. No objections. So ordered.

AM2772

(Amendments to E&R amendments, AM5238)

1. Insert the following new section:

"Sec. 3. This act shall supersede any present or future rule, resolution, or ordinance of a local unit of government relating to the regulation of the location of vending machines or similar devices for the sale of cigarettes or other tobacco products.".

2. On page 2, strike lines 16 through 20.

3. Renumber the remaining section accordingly.

Mr. Dierks asked unanimous consent to print the following amendment to LB 1022 in the Journal. No objections. So ordered.

AM3422

(Amendments to Standing Committee amendments, AM3186)

1. On page 23, line 11, strike the first "and"; and in line 12 after the final quotation marks insert "; and after line 18 insert:

'It is the intent of the Legislature that the Division of Rehabilitation Services shall continue to operate a food service training program in the State Capitol in FY1991-92 and FY1992-93.' ".

MOTION - Reconsider Action on LR 219CA

Mr. Bernard-Stevens renewed his pending motion, found in the Journal on page 1319, to reconsider the vote on LR 219CA for the primary election.

Mr. Withem moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

Mr. Bernard-Stevens requested a roll call vote on his motion to reconsider.

Voting in the affirmative, 37:

Abboud
Ashford
Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Byars
Chizek
Conway
Coordsen
Crosby
Cudaback
Hartnett
Hefner
Hillman
Horgan
Johnson, R.
Kristensen
Labedz
Lamb
Landis
Lindsay
Nelson
Pirsch
Rasmussen
Robak
Robinson
Schellpeper
Schimek
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 3:

Haberman
Hall
Schmit

Present and not voting, 7:

Dierks
Elmer
Johnson, L.
Moore
Morrissey
Peterson
Rogers

Excused and not voting, 2:

Chambers
Lynch

The Bernard-Stevens motion to reconsider prevailed with 37 ayes, 3 nays, 7 present and not voting, and 2 excused and not voting.

RESOLUTION ON FINAL READING

The following resolution was put upon final passage:

LEGISLATIVE RESOLUTION 219CA.

Mr. Bernard-Stevens requested a roll call vote.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the resolution pass?' "

Voting in the affirmative, 40:

Abboud
Ashford
Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Byars
Chizek
Conway
Coordsen
Crosby
Cudaback
Dierks
Hartnett
Hefner
Hillman
Horgan
Johnson, R.
Kristensen
Labedz
Lamb
Landis
Lindsay
Moore
Morrissey
Nelson
Pirsch
Rasmussen
Robak
Robinson
Schellpeper
Schimek
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 6:

Elmer
Haberman
Hall
Peterson
Rogers
Schmit

Present and not voting, 1:

Johnson, L.

Excused and not voting, 2:

Chambers
Lynch

A constitutional four-fifths majority having voted in the affirmative, the resolution was declared passed for the primary election.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills and resolution: 898, 989, 746, 1063, and LR 219CA.

Point of Parliamentary Inquiry

Mr. Withem made a parliamentary inquiry as to status of the vote on the final passage of LR 219CA for placement on the 1992 general election ballot.

The Chair ruled that the vote to place the issue on the primary ballot superseded the vote to place the issue on the general election ballot; and that the resolution delivered to the Secretary of State would place the issue on the 1992 primary ballot only.

NOTICE OF COMMITTEE HEARING
General Affairs

Governor Appointments Wednesday, March 25, 1992 1:00 p.m.
Donald Dworak - Nebraska Liquor Control Commission
William Whitmer - State Electrical Board

(Signed) Stan Schellpeper, Chairperson

UNANIMOUS CONSENT - Print in Journal

Messrs. Abboud and Lindsay asked unanimous consent to print the following amendment to LB 835 in the Journal. No objections. So ordered.

AM3463

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 44-4233, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

44-4233. (1) Any insurer subject to premium and related retaliatory tax liability imposed by section 44-150 or 77-908 may offset assessments paid to the pool by such insurer ~~in a calendar year~~ against its tax liability ~~for that year~~ in the year of payment or subsequent years. The insurer may offset such paid assessments against subsequent premium tax prepayments required by section 77-918 or subsequent premium tax payments required by section 77-908. No individual insurer shall be subject to any liability of the pool in excess of its premium and related retaliatory tax liability which may be offset under this section.

(2) Commencing with assessments imposed or paid in 1992 and for all subsequent years, whenever it reasonably appears to the satisfaction of the board that an insurer has during a calendar year paid assessments

that exceed that insurer's premium and related retaliatory tax liability for that calendar year, the board shall, upon request from such insurer, order the refund to that insurer of the amount of the assessment that exceeded that insurer's premium and related retaliatory tax liability. An insurer's request for a refund shall be filed with the board within thirty days of that insurer's payment or determination of its premium and related retaliatory tax liability. If the refund is not made by the board within thirty days of receipt of the refund request, the insurer may within thirty days thereafter initiate a suit in district court for the amount claimed. The suit shall be heard by the district court de novo. In the event that an assessment against a member is limited by reason of that insurer's premium and related retaliatory tax liability, the amount by which the assessment is limited may be assessed against the other members in a manner consistent with the basis for assessments specified in subsection (3) of section 44-4225.

Sec. 2. That original section 44-4233, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

Ms. Schimek asked unanimous consent to print the following amendment to LB 951 in the Journal. No objections. So ordered.

AM3464

(Amendments to Standing Committee amendments, AM2806)

1. Strike amendments 1 through 4 and insert the following new amendment:

"1. Strike the original sections and all amendments thereto and insert the following new sections:

'Section 1. It shall be unlawful for any employer in Nebraska to (1) refuse to interview or refuse to hire a prospective employee or (2) discharge or otherwise discriminate against any employee concerning any conditions, terms, or benefits of employment, based on the prospective or current employee's participation in any lawful activity or consumption of any lawful product occurring outside the employer's premises during nonworking hours.

Sec. 2. An employee who is discriminated against or discharged in violation of section 1 of this act or a prospective employee who is discriminated against, denied employment, or denied submission of an application for employment in violation of section 1 of this act may bring civil action against the employer violating the provisions of such section and may obtain:

(1) An order of reinstatement without loss of position, seniority, or benefits;

(2) An order directing reinstatement of an applicant in good standing;

(3) Damages equal to the amount of lost wages and benefits; and

(4) Reasonable costs, including court costs and reasonable attorney's fees.

Sec. 3. Sections 1 and 2 of this act shall not apply to the following:

(1) A religious corporation, association, or society with respect to employees who (a) perform work connected with the carrying on of the religious activities of such corporation, association, or society or (b) are employed in a school connected with such corporation, association, or society; and

(2) A nonprofit organization with regard to any lawful activity or lawful product when the primary purpose or objective of such organization is to promote, control, limit, or eliminate such lawful activity or the use of such lawful product.

Sec. 4. Nothing in sections 1 and 2 of this act shall prohibit employers from:

(1) Establishing conduct or product-use policies in the workplace or while using or occupying any property of the employer;

(2) Offering or having in effect a health, disability, or life insurance policy which makes a distinction between employees for the type of coverage or the price of coverage based upon the use of lawful products or participation in lawful activities, if the differential premium rates charged reflect the differential cost to the employer and if the employer provides the employee with a statement delineating the differential rates.

(3) Establishing permissible blood content

levels for alcohol, prescription drugs, and other medications while the employee is on duty, on the employer's premises, or using the employer's equipment; or

(4) Establishing and enforcing policies, when such policies are communicated to the employee, regarding employees engaging in lawful activities or using lawful products outside the employer's premises during nonworking hours when such policies relate to conduct, including use of a lawful product, which involves (a) an employer's duties and obligations required by law, (b) compliance with fiduciary responsibilities, or (c) a legitimate conflict of interest policy designed to protect the employer's trade secrets, proprietary information, or other proprietary interests.' ".

ATTORNEY GENERAL'S OPINION

Opinion No. 92041

DATE: March 12, 1992

SUBJECT: Waiver of Penalty and Interest for the Omission or Failure to Report Personal Property for Taxation Under Neb.Rev.Stat. § 77-1233.04(4) (Reissue 1990).

REQUESTED BY: Senator Rex Haberman
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
L. Jay Bartel, Assistant Attorney General

You have requested our opinion as to the application of the provision for the waiver of penalty and interest for failure to timely report personal property for tax purposes presently provided for under Neb.Rev.Stat. § 77-1233.04(4) (Reissue 1990), in light of what you refer to as the "considerable confusion" faced by taxpayers regarding their responsibility for filing personal property tax returns for tax year 1992. You state that, based on our response to your question, you are considering amendatory legislation.

Neb.Rev.Stat. § 77-1229 (Reissue 1990) provides: "Every person required to list property shall make out and verify by a statement of all personal property which he or she is required to list,". . ."on forms {which} shall be furnished to each taxpayer by the county assessor . . . for that purpose," which forms "shall be delivered to the county assessor on or before March 1 of each year, ..." Section 77-1229 further allows county assessors, "upon receiving an application made prior to March 1 of each year showing hardship or impossibility of meeting such date for reasons beyond the control of the applicant," to "extend the time for compliance, but not beyond March 31." As you note in your request, some county assessors have granted "blanket extensions" to extend the filing deadline for personal property tax returns for 1992 to March 31, 1992, while other county assessors have not provided such "blanket extensions."

As we understand your request, it appears your particular question is whether, in light of the fact that the exemption of certain personal property, consisting of personal property previously exempted under Neb.Rev.Stat. § 77-202(6)-(9), was declared unconstitutional under the tax scheme existing in 1990 in MAPCO Ammonia Pipeline, Inc. v. State Bd. of Equal., 238 Neb. 565, 471 N.W.2d 734 (1991), and the fact that all personal property was exempted for 1991 under 1991 Neb. Laws, LB 829, § 7, such personal property would qualify as property "not required to be reported in previous years" within the meaning of the mandatory waiver of penalty and interest provision of § 77-1233.04(4).

Prior to addressing your question, we believe it is appropriate to address the manner in which omitted or unreported personal property is assessed under § 77-1233.04. Pursuant to subsection (2) of § 77-1233.04, the county assessor must list "personal property omitted from or not returned on a personal property tax return," and add "a penalty of fifty percent of the tax due." Interest is also assessed on both the tax and penalty, "from the date the tax would have been delinquent until paid." Subsection (3) of § 77-1233.04 requires the county assessor to send notice to the taxpayer of action taken pursuant to subsection (2), including notice of "the taxpayer's appeal rights and the appeal procedures." Subsection (4) gives the county assessor discretion to "waive all or part of the penalty assessed and any interest thereon," with the approval of the county board of equalization. This subsection also provides for the mandatory waiver of penalty and interest "if the omission or failure to return any item of personal property was for the reason that the property was not required to be reported in previous years or the property was timely reported in the wrong taxing district." This entire process, therefore, is triggered by affirmative action on the part of the assessor to list personal property for tax purposes when property is omitted or a return is not filed.

In addition, § 77-1233.05 addresses the situation where a taxpayer voluntarily files a return or voluntarily lists omitted property "after the final date for returning such property has passed for the current tax period. . . ." Under these circumstances, "a penalty of ten percent of the amount of the tax due" is added, as well as interest "upon such penalty from the date of delinquency of the tax until paid." The county assessor "may waive all or part of the penalty and the interest on the penalty," with the approval of the county board of equalization. In addition, § 77-1233.05 provides that "{i}f the omission or failure to return or report property was caused by the fact that such property had not been required to be reported in previous years. . . , the entire penalty and the interest on the penalty shall be waived." Thus, under § 77-1233.05, a different penalty is provided when a taxpayer voluntarily reports property after the filing deadline, as opposed to the penalty applicable under § 77-1233.04, which deals with action taken by the county assessor to list and value omitted or unreported property.

In essence, therefore, your question entails consideration of whether the mandatory waiver of penalty and interest provided for under either §§ 77-1233.04 or 77-1233.05 for omitted or unreported property is applicable to personal property not timely reported for tax year 1992 based on the language excusing any penalty and interest if the omission or failure to return property was because such property "was not required to be reported in previous years," in view of the previous exemption of personal property under LB 829 for tax year 1991, as well as previous legislative enactments exempting certain personal property.

As a general rule,

> {u}nder statutes so providing penalties are imposed against property owners for failure or refusal to make a list, report, or statement of their taxable property, or for property omitted therefrom. It has been held that the requirements of such a statute are mandatory, and that the assessor has no discretion as to the imposition of the penalty and must impose it in all instances where the taxpayer fails to list his taxable property within the required time.
>
> * * *
>
> The penalty imposed for the failure of property owners to make a list, report or statement of their taxable property is imposed only for the breach of a duty by the taxpayer. It is only when the taxpayer is at fault or to blame for failure to comply with the requirements of the statute that a penalty may be exacted.

85 C.J.S. Taxation § 1025 a. and c. (1954).

While there are no Nebraska cases directly on point, the decision in Misle v. Miller, 176 Neb. 113, 125 N.W.2d 512 (1963), is instructive. Misle was an action brought by the taxpayers to recover penalties added to taxes paid for tax year 1959. The taxpayers had filed a list reporting the value of their inventory with the Lancaster County Assessor on April 20, 1959, and subsequently filed additional lists with the assessor after such date. The assessor, pursuant to former § 77-1235, added fifty percent of the value of the subsequently filed inventory as a penalty. The taxpayers alleged that, as the Nebraska Legislature had, between February and June of 1959, enacted three separate bills altering the date by which personal property tax returns were required to be filed, such action made it "impossible to comply with the law relating to the listing of personal property for taxation that existed from time to time in the year 1959." Id at 115-16, 125 N.W.2d at 514. The court agreed, stating: "An examination of the statutes in force throughout the year 1959 with respect to the time of filing of personal tax schedules makes it abundantly clear that the plaintiffs' contention that no timely compliance could be made thereunder is correct." Id. at 116, 125 N.W.2d at 514.

Furthermore, in Johnson Fruit Co. v. Story, 171 Neb. 310, 313, 106 N.W.2d 182, 185 (1960), the court, discussing the interpretation of penal statutes of this nature, stated:

> {A} penalty statute. . .must be strictly construed. Its import may not be extended by construction. Such a statute may not be applied to situations or parties not fairly or clearly within its provisions. In construing such a statute nothing will be recognized, presumed or inferred that is not expressed, unless necessarily or unmistakably implied in order to give the statute full operation. (Citations omitted).

While the facts involved in Misle are not identical to those involved in the situation posed by your question, it is evident that, in view of proposed legislation and constitutional amendments currently before the Legislature, alteration of the manner of assessment and time for listing personal property for taxation for 1992 is a clear possibility. Indeed, § 98 of LB 1063 would, if enacted, amend § 77-1229 to require the filing of personal property tax forms on or before June 1, 1992. We also note that §§ 102 and 103 of LB 1063 would remove the specific language previously referred to in §§ 77-1234.04(4) and 77-1233.05 mandating the waiver of penalty and interest where the failure to list or report property was due to the fact that such "was not required to be reported in previous years." The discretionary authority granted to county assessors to waive penalty and interest, with the approval of the county board of equalization, would be retained under §§ 102 and 103 of LB 1063.

It could be argued that, given the state of uncertainty regarding the system of personal property taxation for 1992, it would be inequitable to attempt to penalize taxpayers who did not list all personal property by March 1, or, if a "blanket extension" has been granted by a particular county, do not do so by March 31. Indeed, proposals before the

Legislature to enact legislative and constitutional changes which are intended to affect the current tax year would alter the date by which such lists must be filed, thus eliminating the need to apply the March 1 (or March 31) deadline applicable under current law.

Even if the mandatory waiver of penalty and interest provisions of §§ 77-1233.04(4) and 77-1233.05 remain in effect and are deemed inapplicable, it would seem that fundamental fairness would require that county boards of equalization exercise their authority to direct county assessors to waive any penalty and interest required under these provisions in appropriate cases, given the obvious dilemma facing taxpayers as a result of the uncertainty existing under present circumstances. In view of the strict construction applicable to penalty provisions of this nature, it would seem wholly inappropriate to penalize all taxpayers under these provisions, particularly those who voluntarily file personal property tax schedules subsequent to the time required by statute.

In order to avoid any attempted application of such penalties, however, we note that the Legislature may properly enact amendatory legislation clarifying that any penalties and interest provided for under §§ 77-1233.04 and 77-1233.05 are to be waived or remitted with respect to personal property taxes for 1992, as such penalties, being dependent upon existence of statute, cannot be collected if the statute providing for such has been repealed or has been amended to require their waiver or remission. Tukey v. Douglas County, 133 Neb. 732, 277 N.W. 57 (1938). This is so, of course, because a penalty imposed for not reporting taxable property, or the failure to report such within the statutory period, is not part of the tax. Steinacher v. Swanson, 131 Neb. 439, 268 N.W. 317 (1936); Tukey v. Douglas County, supra.

Very truly yours,
DON STENBERG
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

cc: Patrick J. O'Donnell
Clerk of the Legislature
7-327-7.12

RESOLUTION

LEGISLATIVE RESOLUTION 267. Introduced by Schimek, 27.

WHEREAS, on September 30, 1991, Senator Bob Kerrey announced his intentions to seek the Democratic nomination for President; and

WHEREAS, William Jennings Bryan was the Democratic party's nominee for President in 1896, 1900, and 1908, Senator Gilbert Hitchcock ran for the presidency in 1920, and Senator George W. Norris ran for the presidency in 1928; and

WHEREAS, Senator Kerrey is the fourth Nebraskan to follow in the footsteps of Bryan, Hitchcock, and Norris; and

WHEREAS, Nebraska legislators are pleased and proud that Senator Kerrey chose to commit himself and his talents to the race for President; and

WHEREAS, Senator Kerrey made a very good showing in the New Hampshire primary and won the South Dakota primary.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That all Nebraskans commend and congratulate Senator Bob Kerrey on his campaign for the 1992 Democratic presidential nomination.
2. That the Legislature send a copy of this resolution to Senator Kerrey.

Laid over.

VISITORS

Visitors to the Chamber were 65 sixth grade students and sponsor from Sheridan Elementary, Lincoln.

ADJOURNMENT

At 2:30 p.m., on a motion by Speaker Baack, the Legislature adjourned until 9:00 a.m., Tuesday, March 17, 1992.

Patrick J. O'Donnell
Clerk of the Legislature

LEGISLATIVE JOURNAL

OF THE

STATE OF NEBRASKA

Volume 2

NINETY-SECOND LEGISLATURE
SECOND SESSION

1992

Convened January 8, 1992 Adjourned April 14, 1992

LINCOLN, NEBRASKA

Compiled

Under Authority of the Legislature

by

PATRICK J. O'DONNELL, CLERK

FORTY-THIRD DAY - MARCH 17, 1992

LEGISLATIVE JOURNAL

NINETY-SECOND LEGISLATURE
SECOND SESSION

FORTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 17, 1992

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Baack presiding.

PRAYER

The prayer was offered by Father Jim Fitzgerald, St. Phillip Neri Church, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Chizek who was excused; and Messrs. Ashford, Chambers, Conway, Haberman, Hall, Horgan, R. Johnson, Kristensen, Lindsay, Morrissey, Schmit, Warner, Wesely, Mmes. Labedz, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1332, after line 19, insert "Laid over."
The Journal for the forty-second day was approved as corrected.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1138. Placed on Select File as amended.
E & R amendment to LB 1138:
AM5271

1. In the Standing Committee amendments, AM2788:

a. On page 1, line 3, strike "19" and insert "18";

b. On page 5, line 18, strike "matter" and insert "matters";

c. On page 6, line 18, strike "license or";

d. On page 7, line 24, strike the comma and insert "or recertification;";

e. On page 8, strike line 1;

f. On page 9, line 21, strike "organized";

g. On page 23, line 19, strike ", by" and show as stricken; and in line 20 strike the comma, show as stricken, and insert "providing";

h. On page 52, line 11, strike the comma and insert "by";

i. On page 57, line 8, after "completion" insert "during the preceding three years"; in line 12 strike "during the preceding three years"; in line 16 strike "an"; and in line 17 strike "approved" and after "agency" insert "approved by the division";

j. On page 60, line 17, strike the new matter;

k. On page 74, line 23, strike "64" and insert "63"; and

l. On page 77, line 18, strike "82" and insert "81".

2. On page 1, strike lines 2 through 12 and insert "amend sections 23-1821, 71-5101, 71-5102, 71-5105, 71-5108, 71-5109, 71-5110, 71-5111, 71-5113, 71-5115, 71-5116, 71-5119, 71-5120, 71-5124, 71-5125, 71-5127 to 71-5132, 71-5134 to 71-5137, 71-5139, and 71-5140, Reissue Revised Statutes of Nebraska, 1943, and section 71-507, Revised Statutes Supplement, 1991; to adopt the First Responders Emergency Rescue Act; to provide duties for first responders; to define and redefine terms; to provide for credentialing for first responders-A/D, first responder-A/D services, emergency medical technicians-AM, emergency medical technician-AM services, emergency medical technicians-IV, and emergency medical technician-IV services; to provide for approval for instructors; to change membership provisions for the Board of Ambulance Advisors; to change provisions for credentialing ambulance attendants, emergency medical technicians-A/D, and emergency medical technician-A/D services;".

3. On page 2, strike lines 1 and 2.

LEGISLATIVE BILL 1138A. Placed on Select File.
LEGISLATIVE BILL 291A. Placed on Select File.
LEGISLATIVE BILL 428A. Placed on Select File.

Correctly Engrossed

The following bills were correctly engrossed: 922 and 922A.

(Signed) Eric Will, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 12, 1992, at 2:45 p.m., were the following bills: 746, 898, 989, and 1063.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

PRESENTED TO THE SECRETARY OF STATE

Presented to the Secretary of State on March 12, 1992, at 2:50 p.m., was the following resolution: LR 219CA.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

ATTORNEY GENERAL'S OPINION

Opinion No. 92042

DATE: March 13, 1992

SUBJECT: Constitutionality of Section 3, Subsection 3, of LB 1127

REQUESTED BY: DiAnna Schimek, Senator

WRITTEN BY: Don Stenberg, Attorney General
Laurie Smith Camp, Assistant Attorney General

You have asked whether or not the following provision in Section 3, Subsection 3, of LB 1127, is constitutional:

> When making a decision regarding a parole of an offender convicted of a Class I, IA, or IB felony, a vote of four members of the Board shall be required.

Specifically, you expressed concern about whether the requirement of a "super-majority" of four members of the Board of Parole to grant parole in certain cases is in conflict with Article IV Section 13 of the Constitution of the State of Nebraska which provides in part:

> Said Board, or majority thereof, shall have power to grant paroles after conviction and judgment, under such conditions as may be prescribed by law, for any offenses committed against the criminal laws of the State except treason and cases of impeachment.

We conclude that the provisions of Section 3, Subsection 3, of LB 1127 are constitutional.

It is a basic principle of constitutional interpretation that each and every clause in a constitution has been inserted for some useful purpose. In re Application A-16642, 236 Neb. 671 (1990); Anderson v. Tiemann, 182 Neb. 393 (1967). Constitutional provisions must be construed as a whole, and no part will be rejected as meaningless or surplusage, if such can be avoided. State ex rel. State Ry. Com'n v. Ramsey, 151 Neb. 333 (1949); Mekota v. State Board of Equalization and Assessment, 146 Neb. 370 (1945). The meaning of a constitutional provision is to be determined as of the time of its adoption, and the intent and understanding of its framers and the people who adopted it is the principal inquiry in construing it. State ex rel. State Ry. Com'n, supra.

If Article IV Section 13 of the Nebraska Constitution were intended to mandate that a majority of the Board of Parole have the power to grant paroles, then the language of the section contains surplusage inserted for no useful purpose. Instead, the section provides: "Said Board, or a majority thereof, shall have the power to grant paroles . . . ." Article IV Section 13 also states: "The Legislature shall provide by law for the establishment of a Board of Parole" and that the Board's power to grant paroles may be exercised "under such conditions as may be prescribed by law . . . ."

To give meaning to the clauses cited above, it must be concluded that the legislature has the authority to prescribe conditions which the Board of Parole must follow when determining whether or not to grant a parole. For example, the legislature prescribes maximum and minimum limits for offenses, goodtime provisions used to calculate parole eligibility, conditions for release on parole, and grounds for deferring parole. See, e.g., Neb. Rev. Stat. §§ 83-1,107; 83-1,107.01; 83-1, 108; 83-1,110; and 83-1,114 (Reissue 1987). Because the Nebraska Constitution recognizes that conditions may be prescribed by law for the parole of offenders, one such condition could be that the parole of a certain class of offenders be only upon a unanimous or "super-majority" vote of the members of the Board.

Finally, although the legislative history of Article IV Section 13 is not determinative of the intent of the public when it voted to amend the Constitution, that history indicates that the legislature was expected to have significant latitude to establish a statutory structure for the creation and operation of a Board of Parole. The provisions of Section 3, Subsection 3, of LB 1127 do not contradict either the letter or the apparent intent of Article IV, Section 13, of the Nebraska Constitution.

Sincerely,
(Signed) Laurie Smith Camp
Assistant Attorney General

44-380-5.8

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 262 and LR 263.

RESOLUTIONS

LEGISLATIVE RESOLUTION 264. Read. Considered.

LR 264 was adopted with 23 ayes, 0 nays, and 26 not voting.

LEGISLATIVE RESOLUTION 266. Read. Considered.

LR 266 was adopted with 23 ayes, 0 nays, and 26 not voting.

LEGISLATIVE RESOLUTION 267. Read. Considered.

LR 267 was adopted with 24 ayes, 0 nays, and 25 not voting.

SELECT FILE

LEGISLATIVE BILL 470. E & R amendment, AM5236, printed separately from the Journal and referred to on page 642, was adopted.

Mr. Landis withdrew his pending amendment, AM2958, on file in the Clerk's Office and referred to in the Journal on page 902.

Mr. Landis renewed his pending amendment, AM3142, on file in the Clerk's Office and referred to in the Journal on page 1040.

The Landis amendment was adopted with 25 ayes, 2 nays, 19 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

UNANIMOUS CONSENT - Expedite LB 470

Mr. Landis asked unanimous consent to expedite LB 470. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Moore asked unanimous consent to print the following amendment to LB 339 in the Journal. No objections. So ordered.

AM3484

(Amendment to AM3095)

1. Insert the following new section:

"Sec. 3. There is hereby appropriated (1) $70,000 from the Nebraska Habitat Fund for FY1992-93 and (2) $72,000 from the Nebraska Habitat Fund for FY1993-94 to the Game and Parks Commission, for Program 330, to aid in carrying out the provisions of Legislative Bill 339, Ninety-second Legislature, Second Session, 1992.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.".

2. Renumber remaining sections accordingly.

RESOLUTION

LEGISLATIVE RESOLUTION 268. Introduced by R. Johnson, 34.

WHEREAS, the Sandy Creek Lady Cougars girls' basketball team won the Class C-1 Girls' State High School Basketball Championship; and

WHEREAS, the Lady Cougars had an outstanding 1991-92 season; and

WHEREAS, the Legislature should recognize the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Sandy Creek Lady Cougars girls' basketball team be congratulated for their exemplary effort this season and in the Girls' State High School Basketball Tournament.
2. That a copy of this resolution be sent to the Sandy Creek High School, Coach Russ Ninemire, and Assistant Coach Becky Kleveland.

Laid over.

STANDING COMMITTEE REPORT
Government, Military and Veterans Affairs

LEGISLATIVE BILL 1294. Indefinitely postponed.

(Signed) Gerald Conway, Chairperson

SELECT FILE

LEGISLATIVE BILL 130. E & R amendment, AM5238, found in the Journal on page 681, was adopted.

Mr. Withem withdrew his pending amendment, AM2679, found in the Journal on page 617.

Mr. Chambers withdrew his pending amendment, FA251, found in the Journal on page 617.

Mr. Chambers renewed his pending amendment, AM2777, found in the Journal on page 754.

Messrs. Schmit and Horgan asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER BAACK PRESIDING

PRESIDENT MOUL PRESIDING

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 14:

Ashford
Beyer
Chambers
Crosby
Dierks
Lamb
Morrissey
Nelson
Peterson
Pirsch
Robinson
Schimek
Schrock
Wesely

Voting in the negative, 23:

Abboud
Baack
Bernard-Stevens
Beutler
Bohlke
Byars
Conway
Coordsen
Cudaback
Haberman
Hartnett
Hefner
Hillman
Johnson, L.
Kristensen
Landis
Lindsay
Moore
Schellpeper
Warner
Wickersham
Will
Withem

Present and not voting, 5:

Elmer
Lynch
Rasmussen
Robak
Wehrbein

Absent and not voting, 1:

Rogers

Excused and not voting, 6:

Chizek
Hall
Horgan
Johnson, R.
Labedz
Schmit

The Chambers amendment lost with 14 ayes, 23 nays, 5 present and not voting, 1 absent and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Ms. Schimek offered the following amendment:
AM2805

(Amendments to E & R amendments, AM5238)

1. On page 2, line 15, after "premises" insert "when such machine or device is located in the same room in which the alcoholic liquor is dispensed".

Messrs. Haberman and Hefner asked unanimous consent to be excused until they return. No objections. So ordered.

Ms. Schimek moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

The Schimek amendment was adopted with 26 ayes, 1 nay, 15 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Mr. Rogers asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Will renewed the Hall pending amendment, AM2772, found in the Journal on page 1321.

Mr. Ashford asked unanimous consent to be excused until he returns. No objections. So ordered.

Pending.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1272A. Introduced by Ashford, 6.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1991, LB 843, section 28; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1272, Ninety-second Legislature, Second Session, 1992; to reduce certain appropriations to the Department of Social Services; and to repeal the original section.

VISITORS

Visitors to the Chamber were Lance Nederhoff from Lincoln; 15 juniors, seniors, and teacher from Spalding Academy, Spalding; 70 first through sixth grade students and teacher from Dodge Elementary; 15 students and teacher from Cedar Bluffs High School; Colin and Brian Croft from Omaha; Senator Hefner's niece and her daughters, Caroline, Elizabeth, and

Emilie Olson, from Belden; and Bob Fitzgerald and Ronita Walker and children from Fort Calhoun.

RECESS

At 11:59 a.m., on a motion by Mr. Will, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Moul presiding.

ROLL CALL

The roll was called and all members were present except Mr. Chizek who was excused; and Messrs. Dierks, Horgan, Moore, Schmit, and Mrs. Pirsch who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 130. The Hall pending amendment, AM2772, found in the Journal on page 1321 and considered in this day's Journal, was renewed.

Mr. Hall moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Hall requested a roll call vote on his amendment.

Voting in the affirmative, 21:

Abboud
Baack
Bernard-Stevens
Beutler
Beyer
Byars
Conway
Coordsen
Cudaback
Hall
Hartnett
Johnson, R.
Kristensen
Labedz
Landis
Lindsay
Lynch
Robak
Schellpeper
Wickersham
Will

Voting in the negative, 17:

Ashford
Bohlke
Chambers
Haberman
Hefner
Hillman
Johnson, L.
Lamb
Morrissey
Nelson
Robinson
Schimek
Schrock
Warner
Wehrbein
Wesely
Withem

Present and not voting, 5:

Crosby Elmer Peterson Rasmussen Rogers

Excused and not voting, 6:

Chizek Horgan Moore Pirsch Schmit
Dierks

The Hall amendment lost with 21 ayes, 17 nays, 5 present and not voting, and 6 excused and not voting.

Advanced to E & R for engrossment.

The Chair declared the call raised.

Messrs. Haberman and Chambers asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 306. E & R amendment, AM5263, found in the Journal on page 885, was adopted.

Mr. Beutler asked unanimous consent to replace his pending amendment, AM3157, found in the Journal on page 1033, with a substitute amendment. No objections. So ordered.

Mr. Beutler withdrew his pending amendment, AM3157, found in the Journal on page 1033.

Messrs. Beutler and Wickersham offered the following substitute amendment:
AM3527

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. The Legislature recognizes that water is one of Nebraska's most valuable natural resources and that the management, conservation, and beneficial use of ground water and surface water are essential to the continued economic prosperity and well-being of the state. The Legislature acknowledges that an integrated ground water and surface water management system is needed in order to optimize use of interrelated ground and surface waters upon which public water suppliers depend for water supply. It is the intent of the Legislature that public water suppliers with well fields dependent upon induced ground water recharge may make application for instream appropriations under sections 46-2,107 to 46-2,119.

Sec. 2. That section 46-202, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-202. (1) The water of every natural stream not heretofore appropriated within the State of Nebraska, including the Missouri River, is hereby declared to be the property of the public and is dedicated to the use of the people of the state, subject to appropriation.

(2) The water of every natural stream within the State of Nebraska, including the Missouri River, appropriated for storage in a surface reservoir or for underground water storage, is hereby declared to be subject to further appropriation for recovery and beneficial use.

(3) The water of every natural stream within the State of Nebraska, including the Missouri River, is hereby declared to be subject to appropriation for beneficial use, including induced ground water recharge, by public water suppliers pursuant to section 46-2,107 to 46-2,119.

Sec. 3. That section 46-288, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-288. For purposes of ~~sections 46-288 and 46-289, unless the context otherwise requires, the following definitions shall be used~~ this section and section 46-289:

(1) Basin of origin shall mean the river basin in which the point or proposed point of diversion of water is located;

(2) Beneficial use shall include, but not be limited to, reasonable and efficient use of water for domestic, municipal, agricultural, industrial, commercial, power production, subirrigation, fish and wildlife, ground water recharge, an interstate compact,

water quality maintenance, or recreational purposes. Nothing in this subdivision shall be construed to affect the preferences for use of surface water as provided in section 46-204;

(3) Interbasin transfer shall mean the diversion of water in one river basin and the transportation of such water to another river basin for storage or utilization for a beneficial use except any transfers made by a public water supplier as defined in section 46-638 associated with an instream appropriation or pursuant to a permit issued under section 46-642; and

(4) River basin shall mean any of the following natural hydrologic basins of the state, with delineations being those on the Nebraska river basin map officially adopted by the Nebraska Natural Resources Commission and on file in the commission's office on August 30, 1981: (a) The White River and Hat Creek basin; (b) the Niobrara River basin; (c) the Platte River basin, including the North Platte and South Platte River basins, except that for purposes of transfer between the North and South Platte River basins each shall be considered a separate river basin; (d) the Loup River basin; (e) the Elkhorn River basin; (f) the Republican River basin; (g) the Little Blue River basin; (h) the Big Blue River basin; (i) the Nemaha River basin; and (j) the Missouri tributaries basin.

Sec. 4. That section 46-2,107, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-2,107. The Legislature finds that the maintenance, conservation, management, storage, and timely release of the waters of the natural streams within the State of Nebraska are in the public interest and are practices essential to the well-being of present and future generations. In furtherance of these practices, the public interest demands the recognition of instream uses for ~~fish,~~ recreation, public water supply through induced ground water recharge, and fish and wildlife. The Legislature also finds that proposals for future water development should fully consider multiple uses, including instream flows whether from natural flow or from reservoir releases, and recognizes the positive impact of impoundments which can provide significant instream flow benefits.

Sec. 5. That section 46-2,108, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-2,108. (1) As used in sections 46-2,107 to 46-2,119:

(a) Induced ground water recharge shall mean the process by which water withdrawn from wells, subsurface collectors, or other facilities near a stream is replaced by stream water;

(b) Instream ~~, unless the context otherwise requires, instream~~ appropriation shall mean the undiverted application of the waters of a natural stream within or bordering upon the state for recreation, ~~or~~ fish and wildlife, or induced ground water recharge for public water supply; and

(c) Public water supplier shall have the definition found in section 46-638. ~~purposes.~~

(2) An instream appropriation for recreation or fish and wildlife may be obtained only by the Game and Parks Commission or a natural resources district. An instream appropriation for induced ground water recharge for public water supply may be obtained only by a public water supplier. No instream appropriation shall exceed ~~and only for~~ that amount of water reasonably necessary for ~~recreation or fish and wildlife~~ the designated use. The instream use of water for recreation, ~~or~~ fish and wildlife, or induced ground water recharge for public water supply shall be considered a beneficial use of water.

Sec. 6. That section 46-2,109, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-2,109. Each natural resources district, each public water supplier, and the Game and Parks Commission shall conduct studies to identify specific stream segments which the district, supplier, or commission considers to have a critical need for instream flows. Such studies shall quantify the instream flow needs in the identified stream segments. Any district, any supplier, or the Game and Parks Commission may request the assistance of the Conservation and Survey Division of the University of

Nebraska, the Nebraska Natural Resources Commission, the Game and Parks Commission, the Department of Environmental Control, the Department of Water Resources, or any other state agency in order to comply with this section.

Sec. 7. That section 46-2,110, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-2,110. Following notice and a public hearing, any natural resources district, any public water supplier, or the Game and Parks Commission may file with the Director of Water Resources an application for a permit to appropriate water for instream flows in each stream segment identified pursuant to section 46-2,109. The application shall include the locations on the stream at which the need for instream flows begins and ends and the time of year when instream flows are most critical. The application shall also provide a detailed description of the amount of water necessary to provide adequate instream flows.

Sec. 8. That section 46-2,115, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-2,115. An application for an instream appropriation shall be approved by the Director of Water Resources if he or she finds that:

(1) There is unappropriated water available to provide for the instream appropriation;

(2) The appropriation is necessary to maintain the instream use or uses for which the appropriation has been requested;

(3) The appropriation will not interfere with any senior surface water appropriation;

(4) The rate and timing of the flow is the ~~minimum~~ amount reasonably necessary to maintain the instream use or uses for which the appropriation has been requested; and

(5) The application is in the public interest.

The application may be granted for a rate of flow that is less than that requested by the applicant or for a shorter period of time than requested by the applicant.

The director shall assign as the priority date for the instream appropriation the date of the application.

When granting an application to a public water supplier, the director shall specify what portion of the total appropriation is devoted to domestic, irrigation, manufacturing, and such other uses as may be identified. The exercise of preferences through just compensation to inferior users shall extend to the various portions of a public water supplier's appropriation.

Sec. 9. That section 46-2,116, Revised Statutes Supplement, 1991, be amended to read as follows:

46-2,116. In determining whether an application for an instream appropriation is in the public interest, the director's considerations shall include, but not be limited to, the ~~director shall consider the following factors:~~

~~(1) The~~ economic, social, and environmental value of the instream use or uses including, but not limited to, recreation, fish and wildlife, public water supply, induced recharge for municipal water systems, and water quality maintenance. ~~; and~~

~~(2) The economic, social, and environmental value of reasonably foreseeable alternative out-of-stream uses of water that will be foregone or accorded junior status if the appropriation is granted.~~

Sec. 10. That original sections 46-202, 46-288, 46-2,107 to 46-2,110, and 46-2,115, Reissue Revised Statutes of Nebraska, 1943, and section 46-2,116, Revised Statutes Supplement, 1991, are repealed.".

Mr. Lamb offered the following amendment to the Beutler-Wickersham pending amendment:
FA308

Amend AM3527 to LB 306, on page 9, lines 8 thru 10, strike new language and reinstate stricken language

Mr. Withem and Mrs. Labedz asked unanimous consent to be excused until they return. No objections. So ordered.

The Lamb amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Mr. Lamb offered the following amendment to the Beutler-Wickersham pending amendment:
FA309
Amend AM3527, LB 306, on page 9, reinstate stricken language in lines 16 thru 19.

The Lamb amendment was adopted with 25 ayes, 5 nays, 10 present and not voting, and 9 excused and not voting.

SPEAKER BAACK PRESIDING

Messrs. Coordsen, Schellpeper, and Ashford asked unanimous consent to be excused until they return. No objections. So ordered.

PRESIDENT MOUL PRESIDING

Pending.

NOTICE OF COMMITTEE HEARING
Agriculture

Governor Appointment Tuesday, March 31, 1992 1:30 p.m.
Dale L. Eirich - Nebraska Dry Bean Commission

(Signed) Carson Rogers, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 269. Introduced by Peterson, 21.

WHEREAS, the Battle Creek High School boys' basketball team won its first Class C-1 Boys State High School Basketball Championship; and

WHEREAS, the team won twenty-one of twenty-three games played this season; and

WHEREAS, the Legislature should recognize the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Battle Creek High School boys' basketball team be congratulated for their exemplary effort this season and in the Boys State High School Basketball Tournament.

2. That a copy of this resolution be sent to the Battle Creek High School boys' basketball team and Coach Dana Schultz.

Laid over.

LEGISLATIVE RESOLUTION 270. Introduced by Kristensen, 37.

WHEREAS, the Hildreth High School boys' basketball team won the Class D-2 Boys State High School Basketball Championship; and

WHEREAS, the team won twenty-one of twenty-two games played this season; and

WHEREAS, the Legislature should recognize the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Hildreth High School boys' basketball team be congratulated for their exemplary effort this season and in the Boys State High School Basketball Tournament.
2. That a copy of this resolution be sent to the Hildreth High School boys' basketball team and Coach Richard Alt.

Laid over.

LEGISLATIVE RESOLUTION 271. Introduced by Wesely, 26; Rasmussen, 20.

WHEREAS, Nebraska has available high quality health care; and

WHEREAS, this is due in part to the quality and quantity of health agencies operating in the state; and

WHEREAS, twenty years ago seven Omaha area health agencies joined together to consolidate fundraising efforts and to provide public health education on behalf of the member agencies; and

WHEREAS, Combined Health Agencies Drive (CHAD) has grown in membership to thirteen health agencies and has grown in the success of its fundraising appeals in the workplace; and

WHEREAS, CHAD created a central facility that will house community health agencies; and

WHEREAS, the Community Health Plaza will be a unique effort to bring together various health agencies to better serve the public by combining resources in a central location.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature recognizes the efforts by CHAD and the other health agencies in the state to establish the Community Health Plaza.
2. That the Legislature encourages CHAD and the other health agencies in this effort and wishes them well.

Laid over.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 529A. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 529, Ninety-second Legislature, Second Session, 1992.

LEGISLATIVE BILL 1135A. Introduced by Conway, 17.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1135, Ninety-second Legislature, Second Session, 1992.

LEGISLATIVE BILL 1257A. Introduced by Morrissey, 1.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1257, Ninety-second Legislature, Second Session, 1992.

ATTORNEY GENERAL'S OPINION

Opinion No. 92044

DATE: March 16, 1992

SUBJECT: LB 1172 - Federal Preemption of Requirement That Two-Way Communicating Devices or Occupied Cabooses be Used by Trains Operating Between Specified Locations in Nebraska.

REQUESTED BY: Senator Dennis Byars
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
L. Jay Bartel, Assistant Attorney General

You have requested our opinion regarding whether certain provisions of LB 1172 seek to impose requirements on trains operating between certain locations in Nebraska which are in contravention of federal law.

Section 2 of LB 1172 contains a legislative declaration "that the operation of trains without satisfactory communicating devices or crew members on board creates a local safety hazard, especially in the areas specified in section 3 of this act." Section 2 further provides, in part: "In order to minimize such local safety hazard the Legislature hereby directs that trains operating between the areas specified in section 3 of this act shall (1) be equipped with either an occupied caboose or communicating devices that meet the requirements of section 4 of this act. . . ."

Subsection (1) of section 4 of the bill provides: "Whenever a train operates between any of the locations specified in section 3 of this act, the train shall be equipped with a communicating device on both the front of the train and the last car of the train." The term "communicating device" is defined as "a radio transmitter and receiver system or other electronic equipment that transmits" certain specific information "to the engineer in the front of the train," including:

(a) Break pipe pressure at the rear car of the train displayed in increments of one pound per square inch;
(b) Rear car movement;
(c) Whether the rear marker light is operating;
(d) Available battery life powering the communicating device;
(e) Interruption of the communicating device radio transmissions; and
(f) Distance in feet the train has traveled from a given point for the purpose of establishing rear of train location.

Subsection (2) of section 4 further provides: "Communicating devices installed on a train in conformity with this section shall also be equipped so that emergency braking of the train can be initiated by activation of the communicating device placed on the last car of the train from the front of the train."

The primary issue raised by your request concerns whether the requirements sought to be imposed pursuant to the above-cited provisions of LB 1172 are preempted by federal law. For the reasons outlined below, it is our conclusion that the requirements proposed under LB 1172 are preempted by federal law.

In Attorney General Opinion No. 87090, July 1, 1987, we addressed at length the principle of federal preemption under the supremacy clause of the U.S. Constitution in considering whether a statute requiring certain trains operating in Nebraska without a manned caboose be equipped with an operable telemetry system was preempted by federal law. In this opinion, we concluded that the telemetry device requirement imposed by this statute was void as having been preempted by federal law, and, we advised the Public Service Commission that it should not seek to enforce this requirement. Id. at 5. Our analysis of the preemption issues raised in your present request as to the validity of LB 1172 requires us to revisit the principles addressed in our previous opinion.

The Supremacy Clause of the United States Constitution renders void any state laws that "interfere with or are contrary to" federal law. Hillsborough County v. Automated Medical Laboratories, Inc., 471 U.S. 707, 7112 (1985) (quoting Gibbons v. Ogden, 9 Wheat. 1, 211 (1824)); U.S. Const., art. VI, cl. 2. The crucial inquiry in preemption cases concerns whether Congress has manifested an intent to preclude the challenged state statute or regulation. Malone v. White Motor Corp., 435 U.S. 497 (1978). A congressional intent to preempt may be explicitly expressed by federal statute, or may be implicit in its structure and purpose. Jones v. Rath Packing Co., 430 U. S. 519 (1977); See also Pacific Gas and Electric Co. v. State Energy Resources Commission, 461 U.S. 190 (1983) Ray v. Atlantic Richfield Co., 435 U.S. 151 (1978); Rice v. Santa Fe Elevator Corp., 331 U.S. 218 (1947). In determining whether the requirements pertaining to communicating devices in LB 1172 are preempted under federal law, it is necessary to consider two federal statutory schemes regulating railroads, the Locomotive Boiler Inspection Act {LBIA}, 45 U.S.C. § 22 et seq. (1988), and the Federal Railroad Safety Act {FRSA}, 45 U.S.C. § 421 et seq. (1988).

The LBIA, as amended by Act of March 4, 1915, ch. 169, 38 Stat. 1192, granted the Interstate Commerce Commission the power to prescribe and regulate "all parts and appurtenances" of locomotives. 45 U.S.C. § 23. That power was transferred to the Secretary of Transportation in 1966. See 45 U.S.C. § 23; 49 U.S.C. § 1655(e)(1)(E). Federal regulation of locomotive equipment under the LBIA has been held to completely preempt the field regarding the regulation of locomotive equipment, precluding any state or local regulation on the same subject. Napier v. Atlantic Coast Line Railroad Co., 272 U.S. 605 (1926). The prohibition against state legislation in this area "extends to the design, the construction and the material of every part of the locomotive and tender and of all the appurtenances." Id. at 611. The rule in Napier was reaffirmed in Consolidated Rail Corp. v. Pennsylvania Public Utility Commission, 536 F. Supp. 653 (E.D.Pa. 1982), aff'd mem., 696 F.2d 981

(3d Cir. 1982), aff'd sum. sub nom., Pennsylvania Public Utility Commission v. Consolidated Rail Corp., 461 U.S. 912 (1983) (Pennsylvania regulation requiring speed recorders and indicators to be placed on locomotives held preempted by the LBIA).

The FRSA, unlike the LBIA, contains an express preemption provision:

> The Congress declares that laws, regulations, orders, and standards relating to railroad safety shall be nationally uniform to the extent practicable. A State may adopt or continue in force any law, rule, regulation, order, or standard relating to railroad safety until such time as the Secretary has adopted a rule, regulation, order or standard covering the subject matter of such State requirement. A State may adopt or continue in force an additional or more stringent law, rule, regulation, order or standard relating to railroad safety when necessary to eliminate or reduce an essentially local safety hazard, and when not incompatible with any Federal law, rule, regulation, order, or standard, and when not creating an undue burden on interstate commerce.

45 U.S.C. § 434 (1988).

Section 434 expressly declares a congressional intent to establish a nationally uniform system of regulation in the field of rail safety. National Association of Regulatory Utility Commissioners v. Coleman, 542 F.2d 11 (3d Cir. 1976). The FRSA allows state railroad safety regulation of areas not covered by the "subject matter" of rules adopted by the federal government. A state may regulate railroad safety in the same areas as the federal government, however, only: (1) "when necessary to eliminate or reduce an essentially local safety hazard"; (2) "when not incompatible with any Federal law, rule, regulation, order or standard"; and (3) "when not creating an undue burden on interstate commerce." 45 U.S.C. § 434 (1988); Consolidated Rail Corp. v. Pennsylvania Public Utility Commission, supra; Donelon v. New Orleans Terminal Co., 474 F.2d 1108 (5th Cir.), cert. denied, 414 U.S. 855 (1973). If a state rule or regulation reaching a federally-addressed rail safety issue is to survive preemption under the FRSA, the state must satisfy each of the elements of this narrow exception. National Association of Regulatory Utilities Commissioners v. Coleman, supra; Donelon v. New Orleans Terminal Co., supra.

With respect to the application of the LBIA, it is evident that the total preemptive effect of the LBIA precludes any state efforts to impose requirements for additional locomotive equipment. Napier v. Atlantic Coast Railroad Co., supra; See also Missouri Pacific Railroad Co. v. Railroad Comm'n of Texas, 833 F.2d 570, 576 n.7 (5th Cir. 1987) ("State attempts to prescribe any locomotive safety equipment must necessarily fail.") (Emphasis in original). It is evident that the "communicating device" provision of LB 1172 would require the installation and use of additional equipment on the locomotives of certain trains, in contravention of these principles. Specifically, section 4 of the bill requires that such devices include installation of "a radio transmitter and receiver system or other electronic equipment" that transmits certain information "to the engineer in the front of the train." The device is required to display specific information regarding brake pipe pressure at the rear car of the train, rear car movement, battery life, whether the rear marker light is operating, interruption of the communicating device radio transmission, and distance in feet travelled. LB 1172, § 4(1). The device must also be capable of sending a signal to the "end-of-train" device placed on the last car of the train to initiate an "emergency braking" of the train. LB 1172, § 4(2).

As noted previously, a state requirement that railroads equip locomotives with speed recorders or indicators was declared to have been preempted under the LBIA. Consolidated Rail Corp. v. Pennsylvania Public Utility Comm'n, 536 F. Supp. 653 (E.D.Pa. 1982), aff'd mem., 696 F.2d 981 (3d. Cir. 1982), aff'd sum. sub nom. Pennsylvania Public Utility Comm'n v. Consolidated Rail Corp., 461 U.S. 912 (1983). In addition, the radio communication requirements imposed under regulations adopted by the State of Texas were declared to have been preempted by the LBIA in Missouri Pacific Railroad Co. v. Railroad Comm'n of Texas, 671 F.Supp. 461 (W. D. Texas 1987), aff'd on other grounds, 850 F.2d 264 (5th Cir. 1988), cert. denied 488 U.S. 1009 (1989). In light of this authority, it is our opinion that, as the "communicating device" required under LB 1172 would, necessarily, mandate installation of equipment on locomotives not required by federal law, the imposition of such a requirement by state statute is preempted under the LBIA.[1]

Even if the provisions of LB 1172 could withstand a preemption challenge under the LBIA, we believe that the requirements sought to be imposed under the bill would also be held to contravene the FRSA, and, as such, would be preempted on this basis. While section 1 of LB 1172 contains a declaration that the requirements sought to be imposed are intended to address a "local safety hazard," it is our opinion that the requirements sought to be enacted under the bill do not fall within the "local safety hazard" exception to the FRSA.

The FRSA allows state railroad safety regulation of areas not covered by the "subject matter" of rules adopted by the federal government. A state may regulate railroad safety in the same area as the federal government only: (1) "when necessary to eliminate or reduce an essentially local safety hazard"; (2) "when not incompatible with any Federal law, rule, regulation, order or standard"; and (3) "when not creating an undue burden on interstate commerce." 45 U.S.C. § 434 (1988). In order for a state rule or regulation reaching a federally-addressed rail safety issue to survive preemption under the FRSA, it must satisfy each of the elements of this narrow exception. National Association of Regulatory Commissioners v. Coleman, 542 F.2d 11 (3d Cir. 1976).

There can be no question that the federal government has enacted rules or regulations covering the "subject matter" sought to be addressed by LB 1172. In 1986, the Federal Railroad Administration {FRA} considered and rejected both a possible caboose requirement and a possible two-way "telemetry" device requirement similar to that proposed under LB 1172. See 51 Fed. Reg. 17,300-301 (1986). The FRA did promulgate regulations in 1986 which set forth specifications for certain telemetry devices which it would permit to be used on trains subject to its jurisdiction. 49 C.F.R. § 232.19. In doing so, however, the FRA expressly rejected any requirement that either occupied cabooses or communicating devices such as required under LB 1172 were either necessary or appropriate. Such a ruling is tantamount to a determination that no such regulation is appropriate. See Ray v. Atlantic Richfield Co., 435 U.S. 151, 179 (1978). ("'{W}here failure of . . . federal officials affirmatively to exercise their full authority takes on the character of a ruling that no such regulation is appropriate or approved pursuant to the policy of the statute,' states are not permitted to use their police power to enact such a regulation.") (quoting Bethlehem Steel Co. v. New York State Labor Relations Board, 330 U.S. 767, 774 (1947)). See also Burlington Northern Railroad Co. v. State of Minnesota, supra; Burlington Northern Railroad Co. v. State of Montana, supra; Missouri Pacific Railroad Co. v. Railroad Comm'n of Texas, supra. Accordingly, it is clear that the "subject matter" addressed in LB 1172 has been covered by regulations adopted by the FRA.

As to the potential applicability of the "local safety hazard" exception under the FRSA to LB 1172, we do not believe that the requirements sought to be imposed under the bill can satisfy each of the three elements necessary for application of the exception.

First, while section 1 of LB 1172 declares the occupied caboose or communicating device requirements are necessary to address "local safety hazard" concerns in areas specified in section 3 of the bill, it does not identify what specific "local safety hazard" issues are sought to be remedied by imposing such requirements in these areas. When the State of Oregon imposed telemetry equipment requirements on cabooseless trains operating through assertedly "local safety hazard" areas, which were defined to include areas where track grades, urban development, or certain rail-highway grade-crossings existed, the federal district court held that the "local safety hazard" exception was inapplicable:

> The hazards defined by PUCO are not peculiar to the State of Oregon; they involve the types of terrain and crossings that commonly

> occur throughout the national railroad system. . . .Indeed, the hazards as defined occur throughout the rail routes in the State of Oregon and are for practical purposes statewide. For this reason, PUCO's . . . regulations are not allowed under the local safety hazard exception.

Union Pacific Railroad Co. v. Public Utility Comm'n of Oregon, 723 F.Supp. 526, 530 (D. Or. 1989).

While we are not aware of the basis upon which the specified areas in section 3 of LB 1172 were selected as identifying particular "local safety hazard" areas, we question whether these particular locations pose hazards unique to the overall railway system in the State of Nebraska, and, more importantly, whether such areas present hazards peculiar to the State of Nebraska which do not exist throughout the national railroad system.

As to the second element of the "local safety hazard" exception, we also must question whether the provisions of LB 1172 can be deemed compatible with existing federal regulations. In particular, we are concerned with the requirement of section 4(2) of the bill, which mandates that a "communicating device" be capable of initiating "emergency braking" by activation "of the device placed on the last car of the train from the front of the train." The regulations adopted by the FRA provide that any end- of-train device must be "{d}esigned so that an internal failure will not cause an undesired emergency brake application." 49 C.F.R. § 232.19(b)(3). A state statute requiring that trains be equipped with devices which are specifically designed to permit such emergency braking capability simply cannot be reconciled with a federal regulatory requirement that end-of-train devices be designed to be incapable of accidental brake application.

Finally, and most importantly, the "local safety hazard" exception is not applicable if the state law places an undue burden on interstate commerce. As the Fifth Circuit stated: "{I}t is difficult to imagine a state regulation of the train itself, as opposed to the right-of-way, which could escape being a burden upon commerce under Article I, Section 8, Clause 3, of the United States Constitution." Missouri Pacific Railroad v. Railroad Comm'n of Texas, supra, 850 F.2d at 268. The adoption and enforcement of the requirements imposed under LB 1172 could result in trains being stopped or delayed for noncompliance. At the minimum, compliance with such requirements would require railroads operating trains within the areas specified in section 3 of the bill to either operate with occupied cabooses or a "communicating device" throughout the state (and, likely, outside the state), or would require railroads with trains passing through such areas to couple and uncouple cabooses. Under an even more unlikely scenario, the bill would require that special equipment ("communicating devices") be added to such trains while operating in these areas, but not in other portions of the state or outside the State of Nebraska. Under either circumstance, it is difficult to imagine how the imposition of such requirements would not constitute an impermissible burden on interstate commerce.

In conclusion, it is our opinion that, for the reasons stated above, the requirements sought to be imposed on the operation of trains in the State of Nebraska under LB 1172 are preempted by federal law.

[1] The option provided under LB 1172, allowing trains not equipped with a "communicating device" to operate in the locations specified in section 3 of the bill if such are equipped with an "occupied caboose," cannot save the bill from invalidity, as the Eighth Circuit has expressly held that such an "occupied caboose" requirement is preempted under the FRSA. Burlington Northern Railroad Co. v. State of Minnesota, 882 F.2d 1349 (8th Cir. 1989). Accord, Burlington Northern Railroad Co. v. State of Montana, 880 F.2d 1104 (9th Cir. 1989); Missouri Pacific Railroad v. Railroad Comm'n of Texas, supra.

Very truly yours,
DON STENBERG
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

cc: Patrick O'Donnell
Clerk of the Legislature
7-330-7.12

SELECT FILE

LEGISLATIVE BILL 306. Mr. R. Johnson moved to bracket LB 306 until January 1, 1993.

Mr. L. Johnson asked unanimous consent to be excused. No objections. So ordered.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Lindsay moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. R. Johnson moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. R. Johnson requested a record vote on his motion to bracket.

Voting in the affirmative, 17:

Baack
Beyer
Bohlke
Coordsen
Cudaback
Dierks
Elmer
Hefner
Hillman
Johnson, R.
Kristensen
Moore
Peterson
Robak
Rogers
Schellpeper
Schmit

Voting in the negative, 23:

Abboud
Ashford
Bernard-Stevens
Beutler
Byars
Conway
Crosby
Hall
Hartnett
Horgan
Landis
Lindsay
Lynch
Nelson
Pirsch
Rasmussen
Schimek
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Present and not voting, 3:

Lamb
Robinson
Schrock

Excused and not voting, 6:

Chambers
Chizek
Haberman
Johnson, L.
Labedz
Morrissey

The R. Johnson motion to bracket lost with 17 ayes, 23 nays, 3 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

The Beutler-Wickersham pending amendment, AM3527, as amended, was renewed.

Mr. R. Johnson offered the following amendment to the Beutler-Wickersham pending amendment:
FA310
Strike lines 8 thru 13 on page 5 of the Beutler amendment # 3527.

Mr. Coordsen and Mrs. Rasmussen asked unanimous consent to be excused until they return. No objections. So ordered.

The R. Johnson amendment lost with 7 ayes, 11 nays, 24 present and not voting, and 7 excused and not voting.

Pending.

Mr. Moore asked unanimous consent to be excused until he returns. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 1268 in the Journal. No objections. So ordered.

AM3457

1. On page 3, after line 20, insert the following new subsection:

"(8) On June 30, 1993, the State Treasurer shall transfer four million five hundred thousand dollars from the Cash Reserve Fund to the General Fund. Such transfer shall be reversed in the amount of two million two hundred fifty thousand dollars on June 15, 1994, and in the amount of two million two hundred fifty thousand dollars on June 15, 1995.".

Mr. Hall asked unanimous consent to print the following amendment to LB 1061 in the Journal. No objections. So ordered.

AM3410

(Amendments to E & R amendments, AM5265)

1. Insert the following new section:

"Sec. 3. That section 2-1208.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-1208.01. There is hereby imposed a tax on the gross sum wagered by the parimutuel method at each race enclosure during a calendar year as follows:

(1) For meets conducted on property owned by the state on which the Nebraska State Fair is also conducted, no tax shall be imposed, but the licensee shall apply two percent of any amount in excess of ten million dollars for the purpose of maintenance of buildings, streets, utilities, and other existing improvements on the Nebraska State Fairgrounds; and

(2) For all other meets:

(a) The first ten million dollars shall not be taxed;

(b) Any amount over ten million dollars but less than or equal to one hundred million dollars shall be taxed at the rate of two percent through December 31, 1990;

(c)(i) Effective January 1, 1991, through December 31, 1993, any amount over ten million dollars but less than or equal to eighty million dollars shall be taxed at the rate of two and one-half percent; and

(ii) Effective January 1, 1994, any amount over ten million dollars but less than or equal to eighty million dollars shall be taxed at the rate of three percent, except that if any racetrack is purchased by a nonprofit corporation controlled by a county having more than three hundred thousand inhabitants and such purchase is substantially financed by a bond issue, the provisions of this subdivision (ii) shall not be applicable to any race meet and the tax rate shall remain as set forth in subdivision (2)(c)(i) of this section;

(d)(i) Any amount in excess of one hundred million dollars shall be taxed at the rate of five percent through December 31, 1990; and

(ii) Effective January 1, 1991, any amount in excess of eighty million dollars shall be taxed at the rate of four percent; and

(e)(i) An amount equal to two percent of the first taxable seventy million dollars at each race meeting shall be retained by the licensee for capital improvements and for maintenance of the premises within the licensed racetrack enclosure and shall be a credit against the tax levied in this section through December 31, 1993; and

(ii) Beginning January 1, 1994, an amount equal to one percent of the first taxable seventy million dollars at each race meeting shall be retained by the licensee for capital improvements and for maintenance of the premises within the licensed racetrack enclosure and shall be a credit against the tax levied in this section, except that if any racetrack is purchased by a nonprofit corporation controlled by a county having more than three hundred thousand inhabitants and such purchase is substantially financed by a bond issue, the provisions of this subdivision (ii) shall not be applicable to any race meet and the tax credit shall remain as set forth in subdivision (2)(e)(i) of this section.

A return as required by the Tax Commissioner shall be filed for a racetrack enclosure for each month during which wagers are accepted at the enclosure. The return shall be filed with and the net tax due pursuant to this section shall be paid to the Department of Revenue on the tenth day of the following month.".

2. On page 12, lines 3 and 9, before "2-1208.04" insert "2-1208.01,".

3. Renumber the remaining sections accordingly.

RESOLUTIONS

LEGISLATIVE RESOLUTION 272. Introduced by Robak, 22.

WHEREAS, the Genoa High School girls' basketball team won the Class C-2 State Championship with a victory over Pleasanton; and

WHEREAS, the Genoa High School girls' basketball team won twenty-one of its twenty-four games played this season; and

WHEREAS, we should continue to recognize the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Genoa High School girls' basketball team be congratulated for their exemplary efforts this season and in the state championship tournament.
2. That a copy of this resolution be sent to the Genoa High School girls' basketball team.

Laid over.

LEGISLATIVE RESOLUTION 273. Introduced by Robak, 22.

WHEREAS, the Humphrey St. Francis High School boys' basketball team won the Class D-1 State Championship with a victory over Wallace; and

WHEREAS, the Humphrey St. Francis High School boys' basketball team won twenty-five of its twenty-six games played this season; and

WHEREAS, we should continue to recognize the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Humphrey St. Francis High School boys' basketball team be congratulated for their exemplary efforts this season and in the state championship tournament.
2. That a copy of this resolution be sent to the Humphrey St. Francis High School boys' basketball team.

Laid over.

LEGISLATIVE RESOLUTION 274. Introduced by Schellpeper, 18.

PURPOSE: The purpose of this resolution is to study and review the prices of motor fuels to determine if there is unfair competition in the marketing of motor fuels in the State of Nebraska, thereby reducing the places where the consuming public can purchase fuel.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 275. Introduced by Coordsen, 32.

PURPOSE: To examine the feasibility of allowing educators who have taught in private schools but who are now teaching in public schools the opportunity to buy back from the school retirement system the years they spent teaching in a private school.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE BILL 306. The Beutler-Wickersham pending amendment, AM3527, as amended, was renewed.

Mr. Withem moved the previous question. The question is, "Shall the debate now close?"

Mr. Withem moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

The motion to cease debate prevailed with 25 ayes, 1 nay, and 23 not voting.

The Beutler-Wickersham amendment, as amended, was adopted with 27 ayes, 1 nay, 13 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Mr. Lamb withdrew his pending amendment, AM3286, found in the Journal on page 1258.

Mr. R. Johnson offered the following amendment:
AM3507

1. Insert the following new section:

"Sec. 2. That section 46-131, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-131. The assessor ~~must~~ shall, between ~~March~~ January 1 and the third Monday in May in each year, assess all the real property in the district to the persons who own, claim, or have the possession or control thereof, at its full cash value, less the value of all improvements thereon. He or she shall also assess all leasehold estates in all lands belonging to the State of Nebraska, which lands are leased to any person, association, or corporation, to the person holding such lease, at the full cash value of such leasehold estate, less the value of all improvements thereon. He ~~must~~ or she shall prepare an assessment book with appropriate headings, in which ~~must~~ shall be listed all such property within the district, in which ~~must~~ shall be specified in separate columns under the appropriate heading (1) the name of the person to whom the property is assessed, ~~;~~ and if the name is not known to the assessor, the property ~~must~~ shall be assessed to unknown owners, ~~;~~ (2) land by township, range, section, or fractional section, and when such land is not a congressional division or subdivision, by metes or bounds or other description sufficient to identify it, giving an estimate of the number of acres, locality, and improvements thereon, ~~;~~ (3) city and town lots, naming the city or town and the number and block according to the system of numbering in such city or town and the improvements thereon, ~~;~~ (4) the cash value of real estate other than city or town lots, ~~;~~ (5) the cash value of improvements on such real estate, ~~;~~ (6) the cash value of city and town lots, ~~;~~ (7) the cash value of improvements on real estate~~,~~ assessed to persons other than the owners of such real estate, ~~;~~ (8) the full value of all leasehold estates of persons leasing state lands, ~~;~~ (9) the cash value of the improvements on state lands held under lease, ~~;~~ (10) the full value of all property assessed, ~~;~~ (11) the total value of all property after the equalization of the board of directors, ~~;~~ and (12) such other things as the board of directors may require from him or her. City ~~; PROVIDED, that city~~ and town lots within any irrigation district~~,~~ which are occupied and used exclusively for other than agricultural purposes~~,~~ shall not be assessed or taxed by such irrigation district during the time such lots are so occupied and used. The assessment of any property in the name of the wrong person shall in no way invalidate the assessment thereof.".

2. In the E & R amendments, AM5263, on page 2, line 1, after "sections" insert "46-131,".

3. Renumber the remaining sections

accordingly.

SPEAKER BAACK PRESIDING

Mr. Schmit requested a ruling of the Chair on whether the R. Johnson amendment is germane to the bill.

The Chair ruled the R. Johnson amendment is not germane to the bill.

PRESIDENT MOUL PRESIDING

Mr. R. Johnson requested a machine vote on the advancement of the bill.

Mr. Beutler moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. Beutler requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 22:

Abboud
Ashford
Bernard-Stevens
Beutler
Conway
Crosby
Hall
Hartnett
Horgan
Landis
Lindsay
Lynch
Nelson
Pirsch
Rasmussen
Schimek
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 12:

Bohlke
Dierks
Hefner
Johnson, R.
Kristensen
Labedz
Lamb
Moore
Peterson
Robak
Schellpeper
Schmit

Present and not voting, 9:

Baack
Beyer
Byars
Cudaback
Elmer
Hillman
Robinson
Rogers
Schrock

Excused and not voting, 6:

Chambers
Chizek
Coordsen
Haberman
Johnson, L.
Morrissey

Failed to advance to E & R for engrossment with 22 ayes, 12 nays, 9 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

UNANIMOUS CONSENT - Add Cointroducer

Mr. Landis asked unanimous consent to have his name added as cointroducer to LB 470. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 556 in the Journal. No objections. So ordered.

AM3533

(Amendments to Standing Committee amendments, AM2560)

1. Insert the following new section:

"Sec. 8. Any candidate for Governor, Lieutenant Governor, State Treasurer, Secretary of State, Attorney General, Auditor of Public Accounts, the Legislature, the Public Service Commission, the Board of Regents of the University of Nebraska, or the State Board of Education shall not accept nor permit to be accepted in his or her behalf a contribution as defined by section 49-1415 from any corporation.".

2. On page 1, line 3, strike "7" and insert "8".

3. On page 2, line 4, after "(1)" insert "Corporation shall mean any corporation organized under the laws of Nebraska, any other state in the United States, or any country or any partnership of which such corporation is a partner; (2)" "; and in line 6 strike "(2)" and insert "(3)".

4. On page 4, strike lines 9 through 12.

5. Renumber the remaining sections accordingly.

Mr. Landis asked unanimous consent to print the following amendment to LB 447 in the Journal. No objections. So ordered.

AM3506

(Amendments to AM2862)

1. Insert the following new sections:

"Sec. 5. That section 43-292, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-292. The court may terminate all parental rights between the parents or the mother of a juvenile born out of wedlock and such juvenile when the court finds such action to be in the best interests of the juvenile and it appears by the evidence that one or more of the following conditions exist:

(1) The parents have abandoned the juvenile for six months or more immediately prior to the filing of the petition;

(2) The parents have substantially and continuously or repeatedly neglected the juvenile and refused to give the juvenile necessary parental care and protection;

(3) The parents, being financially able, have willfully neglected to provide the juvenile with the necessary subsistence, education, or other care necessary for his or her health, morals, or welfare or have neglected to pay for such subsistence, education, or other care when legal custody of the juvenile is lodged with others and such payment ordered by the court;

(4) The parents are unfit by reason of debauchery, habitual use of intoxicating liquor or narcotic drugs, or repeated lewd and lascivious behavior, which conduct is found by the court to be seriously detrimental to the health, morals, or well-being of the juvenile;

(5) The parents are unable to discharge parental responsibilities because of mental illness or mental deficiency and there are reasonable grounds to believe that such condition will continue for a prolonged indeterminate period; ~~or~~

(6) Following a determination that the juvenile is one as described in subdivision (3)(a) of section 43-247, reasonable efforts, under the direction of the court, have failed to correct the conditions leading to the determination; or

(7) The juvenile has been in an out-of-home

placement for eighteen or more consecutive months and the parents have failed to correct the conditions leading to the juvenile's out-of-home placement in spite of reasonable efforts and services to the parents ordered by the court or offered by the Department of Social Services or other designated agency.

In order to determine whether or not to seek termination of the parent-juvenile relationship pursuant to subdivision (7) of this section, the county attorney who filed the petition to place the juvenile in an out-of-home placement shall review the case of the juvenile when the juvenile has been in such out-of-home placement for eighteen consecutive months. The review shall occur no later than thirty days after the last day of such eighteen-month period. Nothing contained in this subdivision shall prevent the filing of an action pursuant to subdivision (6) of this section.

The Department of Social Services shall submit on a timely basis to the county attorney who filed the petition to place the juvenile in an out-of-home placement a list of the name of each such juvenile who has been in an out-of-home placement for eighteen or more consecutive months.

When termination of the parent-juvenile relationship is sought under subdivision (5) of this section, the court shall appoint a guardian ad litem for the alleged incompetent parent. The court may, in any other case, appoint a guardian ad litem, as may be deemed necessary or desirable, for any party. The guardian ad litem shall be paid a reasonable fee set by the court and paid from the general fund of the county.

Sec. 6. That original section 43-292, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

2. Insert underscoring in sections 1 to 4.

VISITORS

Visitors to the Chamber were Carol and John Townsend from North Platte; and 12 students and teachers from Central Community College, Hastings.

The Doctor of the Day was Peter Morin from Lincoln.

ADJOURNMENT

At 4:57 p.m., on a motion by Speaker Baack, the Legislature adjourned until 9:00 a.m., Wednesday, March 18, 1992.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-FOURTH DAY - MARCH 18, 1992

LEGISLATIVE JOURNAL

NINETY-SECOND LEGISLATURE
SECOND SESSION

FORTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 18, 1992

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Moul presiding.

PRAYER

The prayer was offered by Pastor Mel Lutchens, Executive Director, Interchurch Ministries of Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Ashford, Bernard-Stevens, Beutler, Chambers, Chizek, Hall, R. Johnson, Landis, Lindsay, Lynch, Schmit, Schrock, Will, Mmes. Labedz, Nelson, and Rasmussen who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1279, after line 10 insert:

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 255.

The Journal for the fortieth day was approved as corrected.
The Journal for the forty-third day was approved.

UNANIMOUS CONSENT - **Print in Journal**

Mr. Robinson asked unanimous consent to print the following amendment to LB 1272A in the Journal. No objections. So ordered.

AM3537

1. Insert the following new section:

"Sec. 2. There is hereby appropriated $1,700,000 from the General Fund for FY1992-93 to the Tax Equity and Educational Opportunities Fund, which fund is hereby appropriated to the State Department of Education, for Program 25, to aid in carrying out the provisions of Legislative Bill 1272, Ninety-second Legislature, Second Session, 1992.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

It is the intent of the Legislature that the $1,700,000 appropriated pursuant to this section become a permanent part of the base for state-aid appropriations for future bienniums.".

2. Renumber the remaining sections accordingly.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 264, LR 266, and LR 267.

RESOLUTIONS

LEGISLATIVE RESOLUTION 254. Read. Considered.

LR 254 was adopted with 24 ayes, 0 nays, and 25 not voting.

LEGISLATIVE RESOLUTION 269. Read. Considered.

LR 269 was adopted with 21 ayes, 0 nays, and 28 not voting.

LEGISLATIVE RESOLUTION 270. Read. Considered.

LR 270 was adopted with 21 ayes, 0 nays, and 28 not voting.

GENERAL FILE

LEGISLATIVE BILL 1022. Title read. Considered.

Standing Committee amendment, AM3186, printed separately from the Journal and referred to on page 1180, was considered.

Mr. Dierks renewed his pending amendment, AM3422, found in the Journal on page 1321, to the Standing Committee amendment.

Messrs. Chizek, Kristensen, and Hartnett asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?" The motion lost with 16 ayes, 12 nays, and 21 not voting.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Cudaback moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Dierks moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mr. Dierks requested a roll call vote on his amendment.

Voting in the affirmative, 18:

Beutler
Bohlke
Byars
Chambers
Coordsen
Crosby
Cudaback
Dierks
Haberman
Labedz
Lamb
Lynch
Pirsch
Robak
Rogers
Schimek
Schmit
Wesely

Voting in the negative, 23:

Ashford
Bernard-Stevens
Beyer
Conway
Elmer
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Landis
Lindsay
Moore
Morrissey
Peterson
Rasmussen
Robinson
Schellpeper
Schrock
Warner
Wehrbein
Wickersham
Withem

Present and not voting, 1:

Baack

Excused and not voting, 7:

Abboud Hall Kristensen Nelson Will
Chizek Johnson, R.

The Dierks amendment lost with 18 ayes, 23 nays, 1 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Wesely offered the following amendment to the Standing Committee amendment:
AM3536
(Amendments to Standing Committee amendments, AM3186)

1. On page 23, after line 12 insert:

"h. On page 36, after line 21 insert:

'It is the intent of the Legislature that all federal vocational rehabilitation funds available to the state in FY1992-93 shall be maximized through the use of interagency agreements to provide vocational rehabilitation services to persons with mental illness and persons with developmental disabilities. Regional governing boards shall be responsive to needs identified through the service coordination system and shall develop service contracts with the Division of Rehabilitation Services. The Division of Rehabilitation Services shall maximize federal vocational rehabilitation funds available to the state by using state and local funds available from providers to match federal vocational rehabilitation funds for services to persons with mental illness and persons with developmental disabilities. The Division of Rehabilitation Services shall provide a report to the Health and Human Services Committee of the Legislature at a committee meeting prior to December 1, 1992, on the service contracts in effect and the plan to maximize federal vocational rehabilitation funds.'."; in line 13 strike "h." and insert "i."; in line 20 strike "i." and insert "j."; in line 22 strike "j." and insert "k."; and after line 23 insert:

"l. On page 45, after line 23 insert:

'It is the intent of the Legislature that all federal vocational rehabilitation funds available to the state in FY1992-93 shall be maximized through the use of interagency agreements to provide vocational rehabilitation services to persons with mental illness and persons with developmental disabilities. Regional governing boards shall be responsive to needs identified through the service coordination system and shall develop service contracts with the Division of Rehabilitation Services. The Division of Rehabilitation Services shall maximize federal vocational rehabilitation funds available to the state by using state and local funds available from providers to match federal vocational rehabilitation funds for services to persons with mental illness and persons with developmental disabilities. The Division of Rehabilitation Services shall provide a report to the Health and Human Services Committee of the Legislature at a committee meeting prior to December 1, 1992, on the service contracts in effect and the plan to maximize federal vocational rehabilitation funds.'.

m. On page 49, after line 21 insert:

'It is the intent of the Legislature that all federal vocational rehabilitation funds available to the state in FY1992-93 shall be maximized through the use of interagency agreements to provide vocational rehabilitation services to persons with mental illness and persons with developmental disabilities. Regional governing boards shall be responsive to needs identified through the service coordination system and shall develop service contracts with the Division of Rehabilitation Services. The Division of Rehabilitation Services shall maximize federal vocational rehabilitation funds available to the state by using state and local funds available from providers to match federal vocational rehabilitation funds for services to persons with mental illness and persons with developmental disabilities. The Division of Rehabilitation Services shall provide a report to the

Health and Human Services Committee of the Legislature at a committee meeting prior to December 1, 1992, on the service contracts in effect and the plan to maximize federal vocational rehabilitation funds.'.".

Mr. Hartnett asked unanimous consent to be excused until he returns. No objections. So ordered.

The Wesely amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Mmes. Crosby and Robak offered the following amendment to the Standing Committee amendment:
AM3535

(Amendments to Standing Committee amendments, AM3186)

1. Insert the following new amendment:

"37. a. On page 44, line 6, strike '42,796,104' and insert '43,043,104'; strike line 10, show as stricken, and insert:

PROGRAM TOTAL 53,615,208 54,180,819

and in line 22 strike '$10,229,821', show as stricken, and insert '$10,476,821'.

b. On page 45, line 5, strike '7,088,778', show as stricken, and insert '7,235,778'; after the period in line 7 insert 'The $147,000 increase in General Funds for FY1992-93 shall be allocated for the continuation of services in Region V.'; in line 9 after 'and' insert 'the $7,235,778 General Fund appropriation to this program for' and in line 15 after 'and' insert 'the $7,235,778 General Funds appropriation for'.

c. On page 46, line 5, after the period insert 'There is included in the state aid appropriation to this program for FY1992-93 $100,000 General Funds which shall be used to develop emergency psychiatric services in Region IV. The $100,000 General Funds earmarked for Region IV emergency psychiatric services for FY1992-93 shall be in addition to a base amount of $213,772 General Funds which was authorized in the prior year contract for such purpose.'.

d. On page 55, line 21, strike '97,498,372' and insert '97,745,372'.

e. On page 56, line 1, strike '148,048,697' and insert '148,295,697'.".

2. Renumber remaining amendments accordingly.

SPEAKER BAACK PRESIDING

Mr. Schellpeper asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mrs. Crosby moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mrs. Crosby requested a roll call vote on the Crosby-Robak amendment.

Voting in the affirmative, 14:

Beutler
Byars
Chambers
Chizek
Conway
Crosby
Dierks
Labedz
Morrissey
Rasmussen
Robak
Rogers
Schimek
Wesely

Voting in the negative, 17:

Ashford
Baack
Bernard-Stevens
Beyer
Bohlke
Coordsen
Cudaback
Haberman
Hefner
Hillman
Johnson, L.
Lamb
Moore
Peterson
Robinson
Schrock
Warner

Present and not voting, 9:

Elmer
Hartnett
Horgan
Lindsay
Lynch
Pirsch
Wehrbein
Wickersham
Withem

Excused and not voting, 9:

Abboud
Hall
Johnson, R.
Kristensen
Landis
Nelson
Schellpeper
Schmit
Will

The Crosby-Robak amendment lost with 14 ayes, 17 nays, 9 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Mr. Conway offered the following amendment to the Standing Committee amendment:
AM3552

(Amendments to Standing Committee amendments, AM3186)

1. On page 22, line 1, after the comma insert "line 11, strike '-0-' and insert '25,000'; in line 13 strike '-0-' and insert '2,185'; in line 15 strike '-0-' and insert '27,185'; in line 17 strike '-0-' and insert '24,767'; and"; and strike lines 3 through 5 and insert the following new amendment:

"d. Strike the original sections 62 and 65.".

2. On page 34, line 15, strike "Laws 1991, LB845, section 39;"; and in line 16 strike "sections 10 and 39" and insert "section 10".

Mmes. Bohlke, Robak, and Mr. Morrissey asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Conway moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. Conway requested a roll call vote on his amendment.

Voting in the affirmative, 14:

Bernard-Stevens
Beutler
Chambers
Chizek
Conway
Coordsen
Crosby
Hartnett
Labedz
Lindsay
Pirsch
Schimek
Schrock
Wesely

Voting in the negative, 20:

Ashford
Baack
Beyer
Byars
Cudaback
Elmer
Hefner
Hillman
Horgan
Johnson, L.
Lamb
Landis
Lynch
Moore
Morrissey
Peterson
Robinson
Rogers
Warner
Wehrbein

Present and not voting, 5:

Dierks
Johnson, R.
Rasmussen
Wickersham
Withem

Absent and not voting, 1:

Haberman

Excused and not voting, 9:

Abboud
Bohlke
Hall
Kristensen
Nelson
Robak
Schellpeper
Schmit
Will

The Conway amendment lost with 14 ayes, 20 nays, 5 present and not voting, 1 absent and not voting, and 9 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 276. Introduced by Schmit, 23.

WHEREAS, the Wahoo High School boys' basketball team competed in the Boys' State High School Basketball tournament; and

WHEREAS, the Wahoo High School boys' basketball team had the nation's longest active winning streak with one hundred fourteen consecutive victories; and

WHEREAS, the Wahoo High School boys' basketball team should be congratulated for their exemplary record and for their participation in the Boys' State High School Basketball Tournament.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature recognizes team members Jeff Simons, Trent Toline, Jeremy Herrmann, Todd Kaiser, Keith Klemme, Sean Brennan, Justin Anderson, Joel Weyand, Ryan Glock; Brett Eddie, Tim Bohaty, Travis Toline, Mike Hancock, Louie Wotipka, and Chris Anderson, and Head Coach Mick Anderson and Assistant Coach Mark Watton for their accomplishments.
2. That a copy of this resolution be sent to the Wahoo High School boys' basketball team and their coaches.

Laid over.

LEGISLATIVE RESOLUTION 277. Introduced by Beutler, 28; Landis, 46; Warner, 25; Schimek, 27; Crosby, 29; Wesely, 26.

WHEREAS, Pius X High School, through teamwork, discipline, and exceptional athletic ability, won the 1992 Class B Boys' State Basketball Championship and finished the season with a record of 20-5; and

WHEREAS, team members Brian Benes, Jon Burt, Doug Goodwater, Darin Hanigan, Mark Johnson, O. J. LaPointe, Chad McGuire, Todd Riddle, John Sand, Adam Treu, Jeremy Wieser, and Ryan Wilhelm have exemplified the qualities of teamwork, discipline, and exceptional athletic ability, which led to Pius X's first Boys' State Basketball Championship since 1974; and

WHEREAS, Coach Tom Seib and Assistant Coaches Roy Forycki and Bruce Exstrom have found that dedication and the ability to work with the athletes have resulted in an outstanding season and program; and

WHEREAS, by winning the Class B Boys' State Basketball Championship, Pius X becomes the first high school in Lincoln to have both boys' and girls' teams win the state basketball championships in the same year, and is only the third high school to do so in the history of the State of Nebraska; and

WHEREAS, the collective abilities, achievements, and commitment of the coaches, athletes, students, staff, and teachers of Pius X should be commended and are deserving of special recognition.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature commends and recognizes Pius X High School for winning the Class B Boys' State Basketball Championship.
2. That a copy of this resolution be sent to Coach Tom Seib and the team in recognition of their accomplishments.
3. That a copy of this resolution be sent to Pius X High School, in care of Principal Greg Logston, in recognition of their accomplishments.

Laid over.

LEGISLATIVE RESOLUTION 278. Introduced by Schrock, 39; Haberman, 44; Elmer, 38.

WHEREAS, the Bertrand High School boys' basketball team won their first Class C-2 Boys State High School Basketball Championship with a 69-56 victory over Shelby; and

WHEREAS, The Bertrand Vikings finished their season with twenty-one wins and one loss; and

WHEREAS, the team and Coach Steve Exstrom deserve special recognition for the team work, discipline, and spirit which they displayed throughout the season.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the Bertrand Vikings on winning the Class C-2 Boys State High School Basketball Championship.
2. That a copy of this resolution be sent to the Bertrand High School boys' basketball team and Coach Steve Exstrom.

Laid over.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 470.

(Signed) Eric Will, Chairperson

Enrollment and Review Change to LB 470

The following changes, required to be reported for publication in the Journal, have been made:

ER7158

1. In the Landis amendment, AM3142:

a. On page 10, line 23, "whose" has been struck, shown as stricken, and "the" inserted and "of which" has been inserted after "office";

b. On page 14, line 2, "whose" has been struck, shown as stricken, and "the" inserted and "of which" has been inserted after "offices";

c. Section 4 has been struck and the following new section inserted:

"Sec. 4. That section 8-355, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 985, Ninety-second Legislature, Second Session, 1992, be amended to read as follows:

8-355. Notwithstanding any of the provisions of Chapter 8, article 3, or any other Nebraska statute, except as provided in section 3 of this act, any association incorporated under the laws of the State of Nebraska and organized under the provisions of such article shall have all the rights, powers, privileges, benefits, and immunities which may be exercised as of ~~the effective date of this act~~ the effective date of this act by a federal savings and loan association doing business in Nebraska. Such rights, powers, privileges, benefits, and immunities shall not relieve such association from payment of state taxes assessed under any applicable laws of this state."; and

d. On page 23, line 18, "sections 8-157.01 and" has been struck and "section 8-157.01" inserted; in line 19 "8-355" and "and" have been struck; and in line 23 "and section 8-355, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 985, Ninety-second Legislature, Second Session, 1992," has been inserted after the last comma.

2. On page 1, lines 2 through 8 have been struck and "section 8-157.01, Reissue Revised Statutes of Nebraska, 1943, sections 8-157, 8-602, and 8-1515, Reissue Revised Statutes of Nebraska, 1943, as amended by sections 3, 11, and 12, respectively, Legislative Bill 757, Ninety-second Legislature, Second Session, 1992, and section 8-355, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 985, Ninety-second Legislature, Second Session, 1992; to change provisions relating to the establishment of detached auxiliary offices; to change terminology; to limit the establishment of detached branches by building and loan associations; to harmonize provisions; to provide a duty for the Revisor of Statutes; to repeal the original sections; and to declare an emergency." inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

UNANIMOUS CONSENT - Print in Journal

Mr. Baack asked unanimous consent to print the following amendment to LB 1125 in the Journal. No objections. So ordered.

AM3525

(Amendments to Standing Committee amendments, AM3208)

1. Insert the following new sections:

"Sec. 25. That section 79-3402, Revised Statutes Supplement, 1990, be amended to read as follows:

79-3402. For purposes of sections 79-3401 to 79-3417:

(1) Enrollment option program shall mean the program established in section 79-3403;

(2) Option school district shall mean the

public school district that a student chooses to attend other than his or her resident school district;

(3) Option student shall mean a student that has chosen to attend a public school district other than his or her resident school district; ~~and~~

(4) Resident school district shall mean the public school district in which a student resides; and

(5) Siblings shall mean all children residing in the same household on a permanent basis who have the same mother or father or who are stepbrother or stepsister to each other.

Sec. 26. That section 79-3407, Revised Statutes Supplement, 1991, be amended to read as follows:

79-3407. (1) Except as provided in section 79-3409, the school board or board of education of the option school district shall adopt by resolution specific standards for acceptance and rejection of applications. Standards may include the capacity of a program, class, grade level, or school building or the availability of appropriate special education programs operated by the option district. Capacity shall be determined by setting a maximum number of option students that a district will accept in any program, class, grade level, or school building, based upon available staff, facilities, projected enrollment of resident students, projected number of students with which the option district will contract based on existing contractual arrangements, and availability of appropriate special education programs. The school board or board of education of the option school district may by resolution declare a program, a class, or a school unavailable to option students due to lack of capacity. Standards shall not include previous academic achievement, athletic or other extracurricular ability, handicapping conditions, proficiency in the English language, or previous disciplinary proceedings.

(2) A school district that has a desegregation plan adopted by the school board or the board of education or ordered by the federal court may limit the number of students who transfer into or out of the school district. The school board or board of education of such school district shall adopt specific standards

for acceptance and rejection of applications for transfer into or out of such district. Standards shall be designed to facilitate the school district's desegregation plan and maintain or improve the integration of the school district.

(3) Any option school district shall give first priority for enrollment to option students whose request for enrollment would aid the racial integration of the option school district and the resident school district and to siblings of option students, except that the option school district shall not be required to accept the sibling of an option student if the district is at capacity, except as provided in subsection (4) of section 79-3409.

(4) For purposes of this section, racial integration is aided if a student transfers to an option school district in which his or her race is a smaller percentage of the total student enrollment of the option school district than it is of the student's resident school district.".

2. On page 13, after line 8, insert the following new subsection:

"(4) The sibling of any option student shall be automatically accepted as an option student in the district in which the option student is enrolled and all deadlines imposed by sections 79-3406 and 79-3408 shall be waived if the sibling makes application for participation in the enrollment option program for the same school year as the option student first makes application or, if the sibling is not yet of school age for the school year for which the option student first made application, the sibling makes application for the first school year the sibling is of school age. Capacity limitations of the option district shall be waived as to siblings who meet the requirements for automatic acceptance as option students under this section.".

3. On page 26, line 5, before the semicolon insert "and after the fourth comma insert '79-3402,' "; and in line 7 before "79-3409" insert "79-3407,".

Mr. Baack asked unanimous consent to print the following amendment to LB 1001 in the Journal. No objections. So ordered.

AM3526

1. Insert the following new section:

"Sec. 8. That section 79-1515, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1515. Under such rules and regulations as the retirement board ~~shall adopt~~ adopts and promulgates, each person who was a school employee at any time prior to the establishment of ~~this~~ the retirement system and who becomes a member of the retirement system shall, within two years after becoming a member, file a detailed statement of all service as a school employee rendered by him or her prior to the date of establishment of the retirement system. In ~~; PROVIDED, that in~~ order to qualify for prior service credit toward a service annuity, a school employee, unless temporarily out of service for further professional education, for service in the armed forces, or for temporary disability, must have completed four years of service on a ~~part-~~ part-time or full-time basis during the five calendar years immediately preceding July 1, 1945, or ~~who has~~ have completed eighteen years out of the last twenty-five years prior to July 1, 1945, full time or part time, and two years out of the five years immediately preceding July 1, 1945, full time or part time, or such school employee must complete, unless temporarily out of service for further professional education, for service in the armed forces, or for temporary disability, four years of service within the five calendar years immediately following July 1, 1945. In ~~; PROVIDED FURTHER, that in~~ order to qualify for prior service credit toward a service annuity, a school employee ~~shall become~~ who becomes a member of the School Retirement System of the State of Nebraska on or before September 30, 1951, or from July 1, 1945, to the date of becoming a member~~, such person~~ shall have been continuously employed in a public school in Nebraska operating under any other regularly established retirement or pension system.

Any ~~; AND PROVIDED FURTHER, any~~ person who, after having served or signing a contract to serve as a school employee, entered into and served~~;~~ or ~~shall enter~~

~~into and serve,~~ enters into and serves in the armed forces of the United States during a declared emergency or was drafted under a federal mandatory draft law into the armed forces of the United States during a time of peace, as described and prescribed under such rules and regulations as the retirement board ~~may adopt~~ adopts and promulgates, and who, within three calendar years after honorable discharge or honorable separation from active duty~~;~~ or within one year from the date of completion of training provided in the Servicemen's Readjustment Act of 1944 or Veterans Readjustment Assistance Act of 1952, became or becomes a school employee~~;~~ shall be credited, in determining benefits due such ~~members~~ member from the school retirement system, for ~~all~~ a maximum of four years or a maximum of five years if the fifth year is at the request and for the convenience of the federal government of the time actually served in the armed forces as if such person had been a school employee throughout such ~~declared emergency service in the armed forces~~ time. Such credit shall be allowed if the person has paid into the system within one year from the effective date of this act an amount equal to the sum of the deductions which would have been made from his or her salary had he or she been an employee during the time for which credit is being sought and any contribution which the board would have been required to make for those same years and the interest which would have accrued on the amount. The payments for the credit shall be based upon the person's annual salary and the retirement system contribution rates for the person and the board in effect at the time he or she became a member.

Retirement benefits for persons who have retired prior to the effective date of this act shall not be affected by changes made to this section which become effective on such date.".

2. On page 22, line 16, strike "and" and insert a comma; and in line 17 after the first comma insert "and 79-1515,".

3. Renumber the remaining sections and correct internal references accordingly.

Messrs. Moore and Chizek asked unanimous consent to print the following amendment to LB 339 in the Journal. No objections. So ordered.

AM3180

1. Insert the following new section:

"Sec. 2. (1) The Governor may, by appropriate executive order, accept on behalf of the state full or partial cession or retrocession of federal jurisdiction, criminal or civil, over the property described in subsection (2) of this section, when such cession or retrocession has been offered by appropriate federal authority. An executive order accepting cession or retrocession of jurisdiction shall be filed in the office of the Secretary of State and in the office of the register of deeds of the county in which the affected real estate is located.

(2) An executive order issued under subsection (1) of this section shall include the following property:

(a) Federal Building, Lot 4, Block 5, Kountze and Ruth's Addition, also known as 1709 Jackson Street, Omaha, Nebraska;

(b) Federal Building, Lot 2, Block 106, City Lots, also known as 106 South 15th Street, Omaha, Nebraska; and

(c) Federal Building, Lots 1 and 2 and the east 44 feet of Lot 3, Block 80, original town of Grand Island, Nebraska, also known as 203 West 2nd Street, Grand Island, Nebraska.".

VISITORS

Visitors to the Chamber were Mr. Jean-Dominique Giuliani from France, Nate Beezley, and Peter Bluds; 45 fourth grade students and teachers from Northside and Davenport Schools, Fremont; ten members from W.I.F.E.; 16 ninth grade students and teacher from Friend; and 70 seventh and eighth grade students from Logan Middle School, Bellevue.

RECESS

At 12:04 p.m., on a motion by Mr. Bernard-Stevens, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Baack presiding.

ROLL CALL

The roll was called and all members were present except Mr. Chizek who was excused; and Messrs. Abboud, Ashford, Bernard-Stevens, Chambers, Dierks, Haberman, R. Johnson, Kristensen, Landis, Morrissey, Schmit, Warner, Withem, Mmes. Hillman, Labedz, Nelson, and Robak who were excused until they arrive.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 130 and 424.

(Signed) Eric Will, Chairperson

Enrollment and Review Change to LB 424

The following changes, required to be reported for publication in the Journal, have been made:
ER7157

1. The following new sections have been inserted and the remaining sections renumbered accordingly:

"Sec. 9. That section 32-451, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-451. The county clerk or election commissioner of each county shall cause to be printed, in large type on cards in English, instructions for the guidance of electors in preparing their ballots. He or she shall furnish five such cards to the judges of election in each election precinct~~,~~ at the same time and in the same manner as the printed ballots. The judges of election shall post such cards in each voting place on the day of election. Such cards shall be printed in large, clear type and shall contain full instructions to the voters~~,~~ according to Schedule A~~, hereof~~ contained in this section.

SCHEDULE A
Instructions to Voters

1. Persons desiring to vote must procure their ballots from a judge of the election board.

2. Voters must then, without leaving the polling place, proceed to a compartment and prepare their ballots.

3. Prepare your ballots as follows:

(a) Make a cross or other clear, intelligible mark in the square to the left of the name of the candidate for whom you wish to vote.

(b) If two or more candidates are to be voted for, for the same office, make such a cross or other clear, intelligible mark in the square to the left of the name of each candidate for whom you wish to vote. However, do not vote for more candidates for an office than the ballot indicates are required to fill that office.

(c) When voting on proposals for constitutional amendments, proposals submitted by initiative or referendum, bond issues, or other propositions, indicate your vote by making a cross or other clear, intelligible mark in the square to the left indicating your affirmative or negative vote, Yes or No vote, or For or Against vote, as the case may be.

(d) In each division of the ballot at a primary election, there shall be no write-in space for delegates to the county convention, delegates to the national convention, or directors of public power districts. In each division of the ballot at a general election, there shall be no write-in space for President and Vice President, directors of public power districts, directors of reclamation districts, members of the board of educational service units, or directors of natural resources districts. Below the names of all candidates for an office placed on the ballot by nomination or petition, a blank space shall be provided in which electors may write the name of any person for whom they wish to vote and whose name is not printed on the ballot, except that for officers named in this subdivision there shall be no write-in space provided.

4. If you spoil a ballot, return it to a judge of the election board and obtain from him or her a new ballot, but you cannot get more than a total of four in all.

5. After having marked your ballots, fold them separately so as to conceal the front of the ballot and expose only the ~~written names~~ initials of the election officials. ~~on the back.~~

6. Hand your ballots to a judge of election who, in your presence, will deposit the ballots in the ballot box, after which you should immediately leave the polling place.

7. Do not take any ballot from the polling place. If you do so, you thereby forfeit the right to vote.

Sec. 10. That section 32-456, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-456. The voter shall fold his or her ballot so as to conceal the names and marks and to expose the ~~names or~~ initials of the judges of the election board affixed on the ~~back thereof~~ ballot. ~~He or she~~ The voter shall, without delay, ~~and~~ without exposing the names or marks upon the front thereof, and without leaving the enclosure in which the compartments are placed, deliver the ballot so folded to the judge of election~~;~~ who shall, without exposing the names or marks on the front or face thereof, approve the ~~signatures upon the back thereof;~~ initials on the ballot and deposit the ballot in the ballot box in the presence of the ~~elector~~ voter, and the ~~elector~~ voter shall forthwith leave the enclosure.

Sec. 11. That section 32-464, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-464. Except in counties having an election commissioner, upon the day fixed for holding any election therein, the proper authorities of every city shall detail a police officer to each polling place of such city and the proper authorities of every village shall detail the village marshal of such precinct to the voting places of such village or precinct. The special duties of the police officer or village marshal, in addition to the preservation of peace and order, shall be as follows: (1) He or she shall, as far as possible, remain at or near the entrance of the enclosure in which the compartments are placed; (2) he or she shall not permit any person to enter such enclosure unless duly provided with an official ballot ~~signed with the names of~~ initialed by two judges of the election board; (3) he or she shall not permit any person to enter the enclosure while the several compartments therein are occupied; (4) he or she shall not permit any person to leave the enclosure without first voting or surrendering his or her ballot to a judge of the election board; and (5) he or she shall not permit any person to leave the polling room after receiving a ballot without first voting or surrendering his or her ballot. In counties having an election commissioner, such election commissioner shall have power to appoint such police officers as may be necessary to maintain order at the election and enforce the election laws.".

2. In the Conway amendment, AM3298:

a. On page 1, line 19; page 2, lines 7, 14, and 20; page 3, lines 10 and 17; and page 6, line 20, paragraphing has been inserted after the period;

b. On page 1, line 12, the comma has been struck and shown as stricken;

c. On page 2, line 10, an underscored comma has been inserted after "closed";

d. On page 4, line 3, "signing" has been struck, shown as stricken, and "initialing" inserted;

e. On page 5, line 10, the comma has been struck and shown as stricken and an underscored comma has been inserted after "also";

f. On page 9, line 4, an underscored comma has been inserted after "shall"; and in line 7 the stricken comma has been reinstated;

g. On page 12, lines 22 and 23, "shall present" has been struck, shown as stricken, and "presents" inserted;

h. On page 13, line 16, an underscored comma has been inserted after "may"; in line 22 "in" has been struck and shown as stricken and "all" has been struck; in line 23 "and" has been inserted after the last comma; and in line 24 the stricken comma has been reinstated;

i. On page 14, line 1; the stricken comma has been reinstated and "and" has been struck; and in line 2 "in" has been struck and "all" has been struck and shown as stricken;

j. On page 15, line 6, "to" has been inserted after "and"; and

k. On page 21, line 20, "32-451, 32-456, 32-464," has been inserted after the first comma.

3. On page 1, lines 2 through 5 have been struck and "10-703.01, 32-210.01, 32-212, 32-303, 32-403, 32-428.05, 32-428.06, 32-450, 32-451, 32-456, 32-464, 32-4,113, 32-4,132, 32-835, and 70-612, Reissue Revised Statutes of Nebraska, 1943, and sections 32-705, 32-1403, and 32-1404, Revised Statutes Supplement, 1990; to change the compensation paid to certain election officials; to provide a residency requirement for candidates for the Public Service Commission; to change provisions relating to endorsements on ballots and write-in votes; to authorize the use of optical-scan voting or tabulating devices; to change requirements for certain petitions and petition circulators; to change provisions relating to voting subdivisions for directors of public power and irrigation districts; to harmonize provisions; to repeal the original sections; and to declare an emergency." inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

MOTION - Place LB 1294 on General File

Mr. Moore moved to place LB 1294 on General File, notwithstanding the action of the committee, pursuant to Rule 3, Section 17.

Laid over.

UNANIMOUS CONSENT - Member Excused

Mr. Lindsay asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 872. Title read. Considered.

Standing Committee amendment, AM3127, found in the Journal on page 1129, was adopted with 26 ayes, 0 nays, 4 present and not voting, and 19 excused and not voting.

Mrs. Bohlke asked unanimous consent to be excused until she returns. No objections. So ordered.

Advanced to E & R for review with 27 ayes, 0 nays, 5 present and not voting, and 17 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mrs. Rasmussen asked unanimous consent to print the following amendment to LB 1022 in the Journal. No objections. So ordered.

AM3421

1. Insert the following new section:

"Sec. 46. That Laws 1991, LB 701A, section 4, be amended to read as follows:

Sec. 4. On or before September 1, 1992, the Department of Social Services and the State Department of Education shall jointly certify to the budget administrator of the budget division of the Department of Administrative Services the amount of federal medicaid funds paid to local school districts participating in pilot programs established pursuant to Legislative Bill 701, Ninety-second Legislature, First Session, 1991. The General Fund appropriation to the State Department of Education, Program 440, for state aid shall be decreased by an amount equal to the amount that would have been reimbursed to the local school district through the special education reimbursement process that was funded for demonstration project purposes by federal medicaid payments.

There is hereby appropriated from the General Fund an amount equal to the amount certified to the budget administrator for FY1992-93 to the Department of Social Services, Program 348, to aid in carrying out the provisions of Legislative Bill 701, Ninety-second Legislature, First Session, 1991.".

2. In AM3186, on page 34, line 11, after the

semicolon insert "Laws 1991, LB 701A, section 4;".

3. Renumber remaining sections accordingly.

Mr. Wickersham asked unanimous consent to print the following amendment to LB 1022 in the Journal. No objections. So ordered.

AM3544

1. On page 17, after line 23, insert

"GENERAL FUND -0- 5,000,000"

and in line 25 strike "-0-" and insert "5,000,000".

Mrs. Pirsch asked unanimous consent to print the following amendment to LB 1022 in the Journal. No objections. So ordered.

AM3553

1. Insert the following new section:

"Sec. 23. AGENCY NO. 78 -- NEBRASKA COMMISSION ON LAW ENFORCEMENT AND CRIMINAL JUSTICE

Program No. 202 - Crime Victims' Reparations

	FY1991-92	FY1992-93
GENERAL FUND	125,000	125,000
PROGRAM TOTAL	125,000	125,000
SALARY LIMIT	-0-	-0-

".

2. Renumber the remaining sections accordingly.

Mrs. Pirsch asked unanimous consent to print the following amendment to LB 1022 in the Journal. No objections. So ordered.

AM3554

1. Insert the following new section:

"Sec. 23. AGENCY NO. 78 -- NEBRASKA COMMISSION ON LAW ENFORCEMENT AND CRIMINAL JUSTICE

Program No. 202 - Crime Victims' Reparations

	FY1991-92	FY1992-93
GENERAL FUND	125,000	-0-
PROGRAM TOTAL	125,000	-0-
SALARY LIMIT	-0-	-0-

".

2. In the Standing Committee amendments, AM3186, on page 2, lines 7 and 8, strike "250,000" and insert "125,000"; and in line 11 strike "$250,000" and insert "$125,000".

3. Renumber the remaining sections accordingly.

Mr. Wickersham asked unanimous consent to print the following amendment to LB 1268 in the Journal. No objections. So ordered.

AM3543

1. On page 2, line 25, strike "July 15, 1991", show as stricken, and insert "September 1, 1992".

2. On page 3, line 1, strike "three", show as stricken, and insert "five"; and in line 6 strike "July 15, 2006", show as stricken, and insert "September 1, 2007".

Mr. Coordsen asked unanimous consent to print the following amendment to LB 1292 in the Journal. No objections. So ordered.

AM3539

(Amendments to Standing Committee amendments, AM3430)

1. On page 1, line 5, after the comma insert "after line 2 insert:

'Claim No. 91-436, against the Department of Revenue, pay to Mel Grim, dba Mel's Service, Box 157, Dannebrog, NE 68831, out of the Highway Trust Fund	8,172.98
Claim No. 91-443, against the Department of Social Services, Gerald & Susan Rinne, Box 202, Nebraska City, NE 68410, out of the General Fund	1,274.12
and out of Federal Funds est.	279.68
Claim No. 92-021, against the Department of Social Services, Leonard Marques, P.O. Box 244, Bayard, NE 69334, out of the General Fund	492.00
and out of Federal Funds est.	108.00
Claim No. 92-048, against the Department of Social Services, Sherry Wolf, 104 Paddock, Crawford, NE 69339, out of the General Fund	364.08
and out of Federal Funds est.	79.92'

in line 8 strike '12,558.20' and insert '14,688.40'; in line 9 strike '95,587.49' and insert '104,082.47'; after line 9 insert:

'Federal Funds est. 467.60'

and in line 10 strike '108,145.69' and insert '119,238.47'; and"; and strike beginning with "and" in line 13 through line 21 and insert a period.

2. On page 2, strike lines 1 through 5.

RESOLUTION

LEGISLATIVE RESOLUTION 279. Introduced by Lynch, 13.

PURPOSE: The purpose of this resolution is to study the rules of the Nebraska Legislature. Because the rules are essential to ensuring that the Legislature is conducted in a smooth and orderly fashion, the Legislature needs to study its present rules for inadequacies and omissions. The study shall include, but not be limited to, the following issues:

(1) Identification of rules which are in conflict with one another;

(2) Identification of rules which are in conflict with or are contrary to current practice;

(3) Identification of rules which are suspended and the reason for the suspension;

(4) Development of a procedure regarding the Appropriations Committee's recommendation of budget reductions which entail statutory changes;

(5) Development of a procedure for legislative election contests and challenges to qualifications of members; and

(6) Possible revisions to specific rules, including the format of motions and the terms used to describe the three stages of debate.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Rules Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Mr. Lamb asked unanimous consent to print the following amendment to LB 1067 in the Journal. No objections. So ordered.

AM3493

1. On page 4, line 20, after "or" insert ", when operating solely in intrastate commerce,"; strike beginning with the comma in line 21 through the comma in line 22 and show as stricken; and in line 23 after "service" insert "or any entity operating special mobile equipment as defined in subsection (96) of section 39-602".

Mr. Wehrbein asked unanimous consent to print the following amendment to LB 1241 in the Journal. No objections. So ordered.

AM3465

1. Insert the following new sections:

"Sec. 30. The Nebraska School for the Deaf may lease or otherwise contract for the use of property and facilities controlled by the school which are not needed for programs of the school.

Sec. 31. The Nebraska School for the Visually Handicapped may lease or otherwise contract for the use of property and facilities controlled by the school which are not needed for programs of the school.".

2. Insert the following new amendment:

"2. On page 4, line 12, after '72-817' insert 'and sections 30 and 31 of this act'.".

3. On page 5, line 6, strike "or"; and in line 8 after "Roads" insert ", or (d) facilities controlled by the Nebraska School for the Deaf or Nebraska School for the Visually Handicapped to be rented to state agencies or other parties by the school".

4. Renumber the remaining amendments.

MESSAGE FROM THE GOVERNOR

March 18, 1992

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 746 and 1063 were received in my office on March 12, 1992.

These bills were signed by me on March 18, 1992, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

GENERAL FILE

LEGISLATIVE BILL 958. Title read. Considered.

Standing Committee amendment, AM2930, found in the Journal on page 962, was considered.

Mr. Horgan moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

The Standing Committee amendment was adopted with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

Mr. Peterson offered the following amendment:
AM3508

1. On page 40, line 2, strike "The operators of school buses", show as stricken, and insert "All school buses shall be"; in line 3 after "system" insert "for the operator and each passenger, and the operator and each passenger"; and in line 4 after "system" insert ", properly adjusted and fastened,".

Mr. Lindsay and Mrs. Labedz asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Peterson moved for a call of the house. The motion prevailed with 8 ayes, 0 nays, and 41 not voting.

Mr. Peterson requested a roll call vote on his amendment.

Voting in the affirmative, 14:

Abboud
Byars
Coordsen
Elmer
Haberman
Hefner
Lamb
Moore
Peterson
Pirsch
Rogers
Schellpeper
Schmit
Wickersham

Voting in the negative, 24:

Ashford
Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Conway
Crosby
Cudaback
Hall
Hartnett
Hillman
Horgan
Johnson, L.
Kristensen
Lynch
Morrissey
Nelson
Rasmussen
Robinson
Schimek
Wehrbein
Wesely
Will

Present and not voting, 2:

Dierks
Schrock

Excused and not voting, 9:

Chambers
Chizek
Johnson, R.
Labedz
Landis
Lindsay
Robak
Warner
Withem

The Peterson amendment lost with 14 ayes, 24 nays, 2 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Messrs. Conway, Wehrbein, Schmit, Rogers, and Coordsen asked unanimous consent to be excused until they return. No objections. So ordered.

Ms. Schimek moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Horgan moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Mr. R. Johnson requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 27:

Ashford
Beutler
Beyer
Bohlke
Byars
Crosby
Cudaback
Hartnett
Hefner
Hillman

Horgan
Johnson, L.
Kristensen
Landis
Lindsay
Lynch
Nelson
Pirsch
Rasmussen
Robinson
Rogers
Schimek
Schrock
Warner
Wehrbein
Wesely
Withem

Voting in the negative, 16:

Abboud
Baack
Bernard-Stevens
Conway
Dierks
Elmer
Haberman
Hall
Johnson, R.
Lamb
Morrissey
Peterson
Robak
Schellpeper
Wickersham
Will

Present and not voting, 2:

Labedz
Moore

Excused and not voting, 4:

Chambers
Chizek
Coordsen
Schmit

Advanced to E & R for review with 27 ayes, 16 nays, 2 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

EXPLANATION OF VOTE

Had I been present, I would have voted "yes" on the advancement of LB 872.

(Signed) Doug Kristensen

RESOLUTION

LEGISLATIVE RESOLUTION 280. Introduced by Will, 8; Beutler, 28.

WHEREAS, the Benson High School boys' basketball team is the champion of the 1992 Class A Boys' State Basketball Tournament; and

WHEREAS, the annual Boys' State Basketball Tournament is a major sports event which brings together the youth of rural and urban Nebraska to exhibit their best in ability, sportsmanship, and competitive spirit; and

WHEREAS, their pride in hard work and achievement is a testimony to the Nebraska way of life; and

WHEREAS, extraordinary teamwork was displayed by team members Andre Woolridge, Marc Armstrong, Hillard Bryant, Clay Kinman, Robert Brown, C.J. Green, Kenya Crandell, LLoyd Scaife, Jeff Vanevery, Robert Holmes, Chris James and Art Tyler; and

WHEREAS, this is the Benson Bunnies' first basketball championship since 1920; and

WHEREAS, Benson High School, one of our state's oldest high schools beginning in 1909, is deserving of special recognition; and

WHEREAS, it is desirable for the Legislature to recognize the hard work and achievements of its young people.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature extends its congratulations and best wishes to the members of the Benson High School boys' basketball team for winning the Class A championship.
2. That a copy of this resolution be sent to the members of the Benson High School basketball team, their coach, Mr. Terry Shelsta, and their principal, Mr. Frank Hoy, in honor of their victory.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Hall asked unanimous consent to print the following amendments to LB 962 in the Journal. No objections. So ordered.

(1)

AM3529

(Amendments to Standing Committee amendments, AM2812)

1. On page 9, lines 5 and 15, strike "eight" and insert "ten"; and strike lines 20 through 23 and insert the following new subdivision:

"(d) The items exempted in section 68(c) of the Internal Revenue Code of 1986, as amended, and deductions for charitable contributions taken pursuant to section 170 of the code shall not be subject to the limitations contained in subdivisions (b) and (c) of this subsection.".

(2)

AM3511

(Amendments to Standing Committee amendments, AM2812)

1. Insert the following new section:

"Sec. 3. That section 77-2716, Revised Statutes Supplement, 1991, be amended to read as follows:

77-2716. (1) The following adjustments to federal adjusted gross income or, for corporations and fiduciaries, federal taxable income shall be made for interest or dividends received:

(a) There shall be subtracted interest or dividends received by the owner of obligations of the United States and its territories and possessions or of any authority, commission, or instrumentality of the United States to the extent includable in gross income for federal income tax purposes but exempt from state income taxes under the laws of the United States;

(b) There shall be subtracted that portion of the total dividends and other income received from a regulated investment company which is attributable to obligations described in subdivision (a) of this subsection as reported to the recipient by the regulated investment company;

(c) There shall be added interest or dividends received by the owner of obligations of the District of Columbia, other states of the United States, or their political subdivisions, authorities, commissions, or instrumentalities to the extent excluded in the computation of gross income for federal income tax purposes except that such interest or dividends shall not be added if received by a corporation which is a regulated investment company;

(d) There shall be added that portion of the total dividends and other income received from a regulated investment company which is attributable to obligations described in subdivision (c) of this subsection and excluded for federal income tax purposes as reported to the recipient by the regulated investment company; and

(e)(i) Any amount subtracted under this subsection shall be reduced by any interest on indebtedness incurred to carry the obligations or securities described in this subsection or the investment in the regulated investment company and by any expenses incurred in the production of interest or dividend income described in this subsection to the extent that such expenses, including amortizable bond premiums, are deductible in determining federal taxable income.

(ii) Any amount added under this subsection shall be reduced by any expenses incurred in the production of such income to the extent disallowed in the computation of federal taxable income.

(2) There shall be allowed a net operating loss derived from or connected with Nebraska sources computed under rules and regulations adopted and promulgated by the Tax Commissioner consistent, to the extent possible under the Nebraska Revenue Act of 1967, with the laws of the United States. For a resident individual, the net operating loss computed on the federal income tax return shall be adjusted by the modifications contained in this section. For a nonresident individual or partial-year resident individual, the net operating loss computed on the federal return shall be adjusted by the modifications contained in this section and any carryovers or carrybacks shall be limited to the portion of the loss derived from or connected with Nebraska sources.

(3) There shall be subtracted from federal adjusted gross income for all taxable years beginning on or after January 1, 1987, the amount of any state income tax refund to the extent such refund was deducted under the Internal Revenue Code, was not allowed in the computation of the tax due under the Nebraska Revenue Act of 1967, and is included in federal adjusted gross income.

(4) Federal adjusted gross income shall be modified to exclude the portion of the income or loss received from a small business corporation with an election in effect under subchapter S of the Internal Revenue Code that is not derived from or connected with Nebraska sources as determined in section 77-2734.01.

(5) There shall be subtracted from federal adjusted gross income or, for corporations and fiduciaries, federal taxable income dividends received

or deemed to be received from corporations which are not subject to the Internal Revenue Code.

(6) There shall be subtracted from federal taxable income a portion of the income earned by a corporation subject to the Internal Revenue Code of 1986 that is actually taxed by a foreign country or one of its political subdivisions at a rate in excess of the maximum federal tax rate for corporations. The taxpayer may make the computation for each foreign country or for groups of foreign countries. The portion of the taxes that may be deducted shall be computed in the following manner:

(a) The amount of federal taxable income from operations within a foreign taxing jurisdiction shall be reduced by the amount of taxes actually paid to the foreign jurisdiction that are not deductible solely because the foreign tax credit was elected on the federal income tax return;

(b) The amount of after-tax income shall be divided by one minus the maximum tax rate for corporations in the Internal Revenue Code; and

(c) The result of the calculation in subdivision (b) of this subsection shall be subtracted from the amount of federal taxable income used in subdivision (a) of this subsection. The result of such calculation, if greater than zero, shall be subtracted from federal taxable income.

(7) Federal adjusted gross income shall be modified to exclude any amount repaid by the taxpayer for which a reduction in federal tax is allowed under section 1341(a)(5) of the Internal Revenue Code.

(8) Federal adjusted gross income shall be modified to exclude the amount received by an individual as a qualified federal governmental pension. This modification shall be limited to the maximum excludable social security benefits, reduced by the social security benefits, as defined in section 86(d) of the Internal Revenue Code, and any amount of a qualified federal government pension which were excluded from gross income. The exclusion shall not be applicable until the year the federal annuitant or survivor attains sixty-five years of age on the first day of the calendar year.

For purposes of this subsection:

(a) Applicable maximum benefit amount shall mean (i) for an unmarried individual, including an individual filing as a head of household, the maximum individual social security benefit, (ii) for a married individual filing a joint return, one hundred fifty percent of the maximum individual social security benefit, or (iii) for a married individual filing a separate return, seventy-five percent of the maximum individual social security benefit;

(b) Maximum excludable social security benefit shall mean an amount which would be excluded from gross income if the applicable maximum benefit amount were treated as social security, as defined in section 86(d) of the Internal Revenue Code, received during the taxable year;

(c) Maximum individual social security benefit shall mean the maximum total amount, as certified by the Secretary of Health and Human Services, which could be paid for all months in the calendar year ending in the taxable year of old-age insurance under sections 202(a) of the Social Security Act, without regard to any reduction, deduction, or offset under section 202(k) or section 203 of the act, to any individual who attained sixty-five years of age and filed application for the benefit, on the first day of the calendar year; and

(d) Qualified federal governmental pension shall mean any pension or annuity received under federal civil service or military retirement systems to the extent the pension or annuity is not attributable to service which constitutes employment for purposes of chapter 21 of the Federal Insurance Contributions Act or which is covered by an agreement made pursuant to section 218 of the Social Security Act.".

2. Insert the following new amendment:

"4. On page 10, line 11, strike 'section' and insert 'sections 77-2716 and'.".

3. Renumber the remaining sections accordingly.

(Amendments to Standing Committee amendments, AM2812)

1. On page 9, line 23, after the period insert:

"(3)(a) Every resident individual shall be allowed to subtract from federal adjusted gross income the actual amount paid to others for tuition, textbooks, and transportation during the tax year not in excess of one thousand one hundred dollars for each dependent in grades kindergarten through six and one thousand seven hundred dollars for each dependent in grades seven through twelve attending a public or nonpublic elementary or secondary school. No deduction shall be allowed under this subsection unless the school is located in the state, is not operated for profit, does not discriminate on the basis of race, color, or national origin, and fulfills the school term requirements prescribed in section 79-201.

(b) For purposes of this subsection:

(i) Dependent shall mean a person for whom the individual claims a dependency exemption on his or her federal income tax return;

(ii) Textbooks shall mean and include books, instructional materials, and equipment used in teaching the elementary or secondary instructional program prescribed by the rules and regulations of the State Board of Education. Textbooks shall not include books, instructional materials, or equipment used in the teaching of religious tenets, doctrines, or worship or for extracurricular activities;

(iii) Transportation shall not include transportation to and from extracurricular activities; and

(iv) Tuition shall mean any amount charged for the opportunity to be enrolled in an instructional program by a public or nonpublic elementary or secondary school approved or accredited under rules and regulations established by the State Board of Education pursuant to subdivision (5)(c) of section 79-328.".

UNANIMOUS CONSENT - Member Excused

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 1057. Title read. Considered.

Mrs. Nelson renewed her pending amendment, AM3120, found in the Journal on page 1012.

The Nelson amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 1241. Title read. Considered.

Mr. Peterson renewed his pending amendment, AM3153, found in the Journal on page 1186.

Mr. Peterson withdrew his pending amendment.

Mr. Wehrbein renewed his pending amendment, AM3465, found in this day's Journal.

Mr. Lynch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Wehrbein amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 281. Introduced by Crosby, 29; Baack, 47; Ashford, 6.

WHEREAS, the month of March will be observed as YOUTH ART MONTH to give recognition to the importance of music, dance, dramatics, creative writing, and visual arts in our schools and communities; and

WHEREAS, childhood is the time to develop interest and skills that will last a lifetime; and

WHEREAS, through meaningful arts activities children develop initiative, self-expression, creative ability, discipline, and an awareness and appreciation of beauty; and

WHEREAS, the importance of the arts in education, daily life, and recreation is properly widely recognized; and

WHEREAS, Brownell Talbot Schools of Omaha and Sidney Public Schools were winners of the Excellence in Art Education awards and were honored with the presentation of the awards at a Celebrate the Arts program in the Capitol rotunda; and

WHEREAS, a YOUTH ART EXHIBIT will be displayed throughout March on the first floor of the Nebraska State Office Building and on the sixth floor of the Nebraska State Office Building in the State Department of Education.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature hereby proclaims the month of March as YOUTH ART MONTH in Nebraska and urges all citizens to take interest in, support, and encourage the art programs presented in schools and youth organizations.
2. That a copy of this resolution be sent to Sheila Brown at the State Department of Education, to Linda Jorgensen, President of the Nebraska Art Teachers Association, to Brownell Talbot Schools, and to Sidney Public Schools.

Laid over.

EXPLANATION OF VOTE

Had I been present, I would have voted "aye" on the advancement of LB 872.

(Signed) Spencer Morrissey

UNANIMOUS CONSENT - Print in Journal

Mr. Wickersham asked unanimous consent to print the following amendment to LB 1172 in the Journal. No objections. So ordered.

AM3540

1. Strike original section 7 and insert the following new section:

"Sec. 11. Section 4 of this act shall

terminate at such time as any federal law or regulation is adopted which sets standards and operating requirements which satisfy the requirements of such section.".

2. On page 3, line 16, strike "(1)"; and in line 25 strike "(a)" and insert "(1)".

3. On page 4, line 3, strike "(b)" and insert "(2)"; in line 4 strike "(c)" and insert "(3)"; in line 6 strike "(d)" and insert "(4)"; in line 8 strike "(e)" and insert "(5)"; in line 10 strike "(f)" and insert "(6)"; and strike lines 13 through 17.

4. On page 5, lines 7 and 13; and page 6, line 10, strike "commission" and insert "Public Service Commission".

5. Renumber the remaining sections accordingly.

Mr. Moore asked unanimous consent to print the following amendment to LB 958 in the Journal. No objections. So ordered.

AM3542

1. Insert the following new sections:

"Sec. 9. That section 39-6,211, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-6,211. Commencing January 1, 1989, a person shall not operate or be a passenger on a motorcycle or moped on any highway, as defined in section 39-602, in this state unless such person is wearing a protective helmet of the type and design manufactured for use by operators of such vehicles and unless such helmet is secured properly on his or her head with a chin strap or retention system while the vehicle is in motion. All such protective helmets shall be designed to reduce injuries to the user resulting from head impacts and shall be designed to protect the user by remaining on the user's head, deflecting blows, resisting penetration, and spreading the force of impact. Each such helmet shall consist of lining, padding, ~~visor,~~ and chin strap and shall meet or exceed the standards established in the United States Department of Transportation's Federal Motor Vehicle Safety Standard No. 218, 49 C.F.R. 571.218, for motorcycle helmets.

Sec. 10. That section 39-6,212, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-6,212. The Department of Motor Vehicles shall within sixty days after ~~July 9, 1988~~ the effective date of this act, publish a list of ~~approved~~ protective helmets which ~~meet the requirements of~~ have been certified by the manufacturer of the helmets as meeting the federal motor vehicle safety standard prescribed in section 39-6,211. Such list shall not be inclusive. ~~Any person wearing a protective helmet which meets the requirements established pursuant to section 39-6,211 shall be deemed to be in compliance with such section.~~

Sec. 11. That section 39-6,213, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-6,213. Any person using a protective helmet ~~purchased~~ manufactured prior to ~~July 9~~ October 3, 1988, which ~~is labeled~~ has been labeled by the manufacturer to show ~~that it~~ the manufacturer's certification that the helmet conforms with applicable federal motor vehicle safety standards in existence and in effect when such helmet was manufactured shall be deemed to be in compliance with the standards requirement of section 39-6,211.".

2. On page 31, strike beginning with "motorcycle" in line 18 through the comma in line 19 and show as stricken.

3. On page 34, line 4, after "39-6,103.07" insert "or 39-6,211".

4. On page 40, line 7, after "39-6,171" insert ", 39-6,211 to 39-6,213".

5. In the Standing Committee amendments, AM2930:

a. On page 1, line 14, after "in" insert "or on"; in line 16 before the comma insert "or 39-6,211"; in line 17 after "driver" insert "or operator"; and in lines 17 and 18 strike "motor"; and

b. On page 2 strike beginning with "beginning" in line 3 through "11" in line 4 and insert " '39-6,103.05' and insert '39-6,214' ".

Mr. Lamb asked unanimous consent to print the following amendment to LB 958 in the Journal. No objections. So ordered.

FA311

Page 36 line 7 after "operations" insert, "farm trucks as defined by section 60-301."

MESSAGE FROM THE GOVERNOR

March 18, 1992

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 898 and 989 were received in my office on March 12, 1992.

These bills were signed by me on March 18, 1992, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

GENERAL FILE

LEGISLATIVE BILL 835. Title read. Considered.

Standing Committee amendment, AM0874, printed separately from the Journal and referred to on page 1225, First Session, 1991, was considered.

Messrs. Abboud and Lindsay renewed their pending amendment, AM3463, found in the Journal on page 1324, to the Standing Committee amendment.

Mr. Kristensen asked unanimous consent to be excused. No objections. So ordered.

MR. WARNER PRESIDING

The Abboud-Lindsay amendment was adopted with 17 ayes, 5 nays, 21 present and not voting, and 6 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 5 nays, 13 present and not voting, and 6 excused and not voting.

Mr. Wesely moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Landis requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 33:

Abboud
Ashford
Baack
Bohlke
Byars
Conway
Coordsen
Crosby
Dierks
Elmer
Hall
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Labedz
Lamb
Lindsay
Lynch
Moore
Nelson
Pirsch
Robinson
Rogers
Schellpeper
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 8:

Bernard-Stevens
Beutler
Beyer
Landis
Morrissey
Rasmussen
Robak
Schimek

Present and not voting, 2:

Johnson, R.
Peterson

Excused and not voting, 6:

Chambers
Chizek
Cudaback
Haberman
Kristensen
Schmit

Advanced to E & R for review with 33 ayes, 8 nays, 2 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 835A. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Morrissey asked unanimous consent to print the following amendment to LB 1257 in the Journal. No objections. So ordered.

AM3566

(Amendments to Standing Committee amendments, AM3060)

1. Strike section 48 and insert the following new sections:

"Sec. 48. That section 19-2111, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-2111. Nothing in this section and ~~sections~~ section 19-2101 ~~and 19-2107~~ shall be construed so as to apply to or affect existing garbage disposal facilities or existing county zoning.

Sec. 49. That section 19-2112, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-2112. Any person, firm, partnership, association, or corporation selecting a site for or operating a garbage disposal facility shall be subject to the provisions of ~~sections 19-2107 to~~ section 19-2111.".

2. On page 4, line 18, after "municipality" insert "except a facility which does not serve unincorporated areas of the county".

3. On page 9, line 20, strike "assessor" and insert "treasurer".

4. On page 11, line 12, strike "fine" and insert "noncompliance fee".

5. On page 19, line 18, strike "1992" and insert "1994"; in line 19 strike "1994" and insert "1996" and strike "1997" and insert "1999"; in line 20 strike "2000" and insert "2002"; in line 22 strike "1992" and insert "1994"; in line 24 strike "1992" and insert "1994" and strike "1994" and insert "1996".

6. On page 20, strike beginning with "Small" in line 6 through "households" in line 7 and insert "Hazardous wastes, except household hazardous wastes

which are exempt from the regulations under the Environmental Protection Act".

7. On page 22, line 17, strike "facilities" and insert "landfills".

8. On page 26, strike beginning with "The" in line 15 through "which" in line 16 and insert:

"(2) Rules and regulations adopted and promulgated by the council shall"; and in line 22 after the second period insert:

"(3)".

9. On page 27, strike lines 1 through 6; and in line 10 strike "household" and after "wastes" insert ", except household hazardous wastes which are exempt from the regulations under the Environmental Protection Act".

10. On page 28, line 10, strike "household" and after "wastes" insert ", except household hazardous wastes which are exempt from the regulations under the Environmental Protection Act"; and strike beginning with "All" in line 16 through line 24.

11. On page 29, strike line 1 and insert "The department shall review all licenses for solid waste management facilities which were issued under the Environmental Protection Act prior to the effective date of this act and which expire after October 1, 1993, to determine whether the licensee is in compliance with the requirements of the Integrated Solid Waste Management Act, the rules and regulations adopted by the council and are consistent with the requirements of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6901 et seq., and the rules and regulations adopted thereunder.

The department may require such licensee to furnish written documentation evidencing compliance. If the department determines that the licensee is not in compliance with the Integrated Solid Waste Management Act and the rules and regulations adopted by the council or are inconsistent with the requirements of the Resource Conservation and Recovery Act, the department may issue an amended permit as necessary to bring the licensee into compliance with these provisions.

All licenses for solid waste management facilities issued under the Environmental Protection Act prior to the effective date of this act shall expire at the stated date of expiration if such expiration date is before October 1, 1993, except that the department may extend such licenses to continue until October 1, 1993, if it finds that the facility remains in compliance with the Environmental Protection Act and the rules and regulations adopted thereunder by the council prior to the effective date of this act.".

12. On page 30, lines 12, 14, and 15, strike "two dollars" and insert "one dollar and twenty-five cents".

13. On page 31, strike beginning with the colon in line 11 through "(b)" in line 15.

14. On page 32, line 12 after the second period insert "The fees collected pursuant to this section shall not be used as grant proceeds to fund landfill closure site assessments, closure, monitoring, or remediation costs for existing landfills or landfills already closed prior to the effective date of this act.".

15. On page 109, line 21, strike "19-2107" and insert "19-2111, 19-2112,".

16. On page 110, line 3, after "sections" insert "19-2107,".

17. Renumber the remaining sections accordingly.

Mr. Lindsay asked unanimous consent to print the following amendment to LB 360 in the Journal. No objections. So ordered.

AM3522

(Amendments to AM5269)

1. On page 7, line 2, after "payments", insert ", including medical payments subject to section 48-120,"; in line 3, after "disability" insert "or of the obligation for medical payments"; in line 4, after "payment", insert "of compensation or medical payments subject to section 48-120"; in line 5, after "injury" insert "or neglects to pay medical payments subject to such section after thirty days' notice has been given of the obligation for medical payments".

2. On page 8, line 13, after "section", insert "for delinquent payments of compensation or

medical payments".

Mr. Coordsen asked unanimous consent to print the following amendment to LB 556 in the Journal. No objections. So ordered.

AM3568

(Amendments to Standing Committee amendments, AM2560)

1. Insert the following new sections:

"Sec. 8. Commodity board shall mean only the Corn Development, Utilization, and Marketing Board, the Nebraska Dairy Industry Development Board, the Grain Sorghum Development, Utilization, and Marketing Board, the Soybean Development, Utilization, and Marketing Board, the Nebraska Wheat Development, Utilization, and Marketing Board, the Dry Bean Commission, the Nebraska Potato Development Committee, and the Nebraska Poultry and Egg Development, Utilization, and Marketing Committee.

Sec. 9. That section 49-1499, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

49-1499. An individual designated in section 49-1493~~,~~ or an official or employee of the executive branch of state government~~,~~ who, in the discharge of his or her official duties, would be required to take any action or make any decision that may cause financial benefit or detriment to him or her, a member of his or her immediate family, or a business with which he or she is associated, which is distinguishable from the effects of such action on the public generally, or a broad segment of the public, shall take the following actions as soon as he or she is aware of such potential conflict~~,~~ or should reasonably be aware of such potential conflict, whichever is sooner:

(1) Prepare a written statement describing the matter requiring action or decision and the nature of the potential conflict, and, if he or she is a member of the Legislature and will not abstain from voting, deliberating, or taking other action on the matter, the statement shall state why, despite the potential conflict, he or she intends to vote or otherwise participate; and

(2) Deliver a copy of the statement to the

commission and:

(a) If he or she is a member of the Legislature, ~~he or she shall~~ deliver a copy of the statement to the Speaker of the Legislature, who shall cause the statement to be filed with the Clerk of the Legislature to be held as a matter of public record. He or she may abstain from voting, deliberating, or taking other action on the matter on which the potential conflict exists, in which case he or she may have the reasons for the abstention recorded in the journal or minutes of the Legislature. Nothing in this section shall be construed to prohibit any member of the Legislature from voting, deliberating, or taking other action on any matter that comes before the body; or

(b) If he or she is not a member of the Legislature, ~~he or she shall~~ deliver a copy of the statement to his or her immediate superior, if any, who shall assign the matter to another or, if he or she has no immediate superior, he or she shall take such steps as the commission shall prescribe or advise to remove himself or herself from influence over actions and decisions on the matter. This restriction shall not prevent such a person from (i) making or participating in the making of a governmental decision to the extent that the individual's participation is legally required for the action or decision to be made~~, but in such event the person shall report the occurrence to the commission~~ or (ii) participating but not voting on the making of a governmental decision if the potential conflict of interest is based upon a business association and the business association exists only as the result of his or her position on a commodity board. A person acting pursuant to subdivision (i) or (ii) of this subdivision shall report the occurrence to the commission.".

2. on page 10, line 18, strike "section" and insert "sections 49-1499 and".

3. Renumber the remaining sections accordingly.

VISITORS

Visitors to the Chamber were 20 eighth grade students and teacher from Lewiston; Walt Hill and Tom Unruh; and 17 students and teacher from

Axtell, 16 students and teacher from Campbell, 37 seniors and teacher from Kearney, and 52 seniors and teacher from Minden.

The Doctor of the Day was Dr. Veskrna from Lincoln.

ADJOURNMENT

At 5:04 p.m., on a motion by Speaker Baack, the Legislature adjourned until 9:00 a.m., Thursday, March 19, 1992.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-FIFTH DAY - MARCH 19, 1992

LEGISLATIVE JOURNAL

FORTY-FIFTH DAY - MARCH 19, 1992

LEGISLATIVE JOURNAL

NINETY-SECOND LEGISLATURE
SECOND SESSION

FORTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 19, 1992

Pursuant to adjournment, the Legislature met at 9:01 a.m., Speaker Baack presiding.

PRAYER

The prayer was offered by Pastor Naomi Hull, St. Paul Methodist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Bernard-Stevens, Beutler, Haberman, Hall, Horgan, Kristensen, Lindsay, Morrissey, Schmit, Withem, Mmes. Bohlke, and Labedz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-fourth day was approved.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LR 254, LR 269, and LR 270.

RESOLUTIONS

LEGISLATIVE RESOLUTION 268. Read. Considered.

LR 268 was adopted with 25 ayes, 0 nays, and 24 not voting.

LEGISLATIVE RESOLUTION 271. Read. Considered.

LR 271 was adopted with 25 ayes, 0 nays, and 24 not voting.

LEGISLATIVE RESOLUTION 272. Read. Considered.

LR 272 was adopted with 28 ayes, 0 nays, and 21 not voting.

LEGISLATIVE RESOLUTION 273. Read. Considered.

LR 273 was adopted with 25 ayes, 0 nays, and 24 not voting.

MOTION - Place LB 1294 on General File

Mr. Moore renewed his pending motion, found in the Journal on page 1391, to place LB 1294 on General File, notwithstanding the action of the committee, pursuant to Rule 3, Section 17.

Mr. Wehrbein asked unanimous consent to be excused until he returns. No objections. So ordered.

MR. WARNER PRESIDING

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Moore moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mr. Moore requested a roll call vote on his motion to place LB 1294 on General File.

Voting in the affirmative, 26:

Abboud
Ashford
Bernard-Stevens
Beyer
Byars
Cudaback
Elmer
Haberman
Hefner
Hillman
Johnson, L.
Johnson, R.
Lamb
Moore
Nelson
Peterson
Pirsch
Rasmussen
Robak
Robinson
Rogers
Schellpeper
Warner
Wickersham
Will
Withem

Voting in the negative, 15:

Baack
Bohlke
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Hartnett
Kristensen
Landis
Lindsay
Schimek
Schrock
Wesely

Present and not voting, 2:

Beutler
Horgan

Excused and not voting, 6:

Hall
Labedz
Lynch
Morrissey
Schmit
Wehrbein

The Moore motion lost with 26 ayes, 15 nays, 2 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

GENERAL FILE

LEGISLATIVE BILL 1022. Mrs. Rasmussen renewed her pending amendment, AM3421, found in the Journal on page 1392.

The Rasmussen amendment was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Mr. Wickersham renewed his pending amendment, AM3544, found in the Journal on page 1393.

SPEAKER BAACK PRESIDING

Messrs. Coordsen, Withem, and Mrs. Rasmussen asked unanimous consent to be excused until they return. No objections. So ordered.

MR. CONWAY PRESIDING

Mr. Wickersham moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Wickersham requested a roll call vote on his amendment.

Voting in the affirmative, 18:

Bohlke
Chambers
Chizek
Conway
Cudaback
Dierks
Elmer
Haberman
Hefner
Johnson, L.
Johnson, R.
Lamb
Peterson
Robak
Schellpeper
Schmit
Wesely
Wickersham

Voting in the negative, 19:

Abboud
Ashford
Baack
Bernard-Stevens
Beutler
Beyer
Byars
Crosby
Horgan
Kristensen
Landis
Lindsay
Moore
Nelson
Robinson
Rogers
Schimek
Warner
Will

Present and not voting, 6:

Hartnett
Hillman
Labedz
Pirsch
Schrock
Wehrbein

Excused and not voting, 6:

Coordsen
Hall
Lynch
Morrissey
Rasmussen
Withem

The Wickersham amendment lost with 18 ayes, 19 nays, 6 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Wesely asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Pirsch renewed her pending amendment, AM3553, found in the Journal on page 1393.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER BAACK PRESIDING

Messrs. Moore and Bernard-Stevens offered the following amendment to the Pirsch pending amendment:
FA312
Amend AM3553 to LB 1022
In lines 6 and 7, strike the 125,000 for FY1992-93.

Messrs. Peterson, Abboud, and L. Johnson asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Pirsch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Moore-Bernard-Stevens amendment was adopted with 27 ayes, 1 nay, 13 present and not voting, and 8 excused and not voting.

The Pirsch amendment, as amended, was adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Mrs. Pirsch withdrew her pending amendment, AM3554, found in the Journal on page 1393.

Pending.

NOTICE OF COMMITTEE HEARING
Revenue

LR 260	Wednesday, April 1, 1992	12:15 p.m.
LR 261	Wednesday, April 1, 1992	12:15 p.m.

(Signed) Tim Hall, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mrs. Labedz asked unanimous consent to print the following amendment to LB 1148 in the Journal. No objections. So ordered.

AM3260
(Amendments to Standing Committee amendments, AM3103)

1. On page 1, line 3, strike "section" and insert "sections"; in line 4 after the quotation mark insert:

"Sec. 3. That section 28-1229, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-1229. (1) The Nebraska State Patrol shall have the authority to issue permits for:

(a) The storage of explosive materials;

(b) The use of explosive materials; and

(c) The purchase of explosive materials by business enterprises.

(2) The Nebraska State Patrol shall not issue a permit to store or use explosive materials to any person who:

(a) Is under ~~nineteen~~ twenty-one years of age;

(b) Has been convicted in any court of a felony;

(c) Is charged with a felony;

(d) Is a fugitive from justice;

(e) Is an unlawful user of any depressant, stimulant, or narcotic drug;

(f) Has been admitted as a patient or inmate in a public or private institution for the treatment of a mental or emotional disease or disorder within five years preceding the date of application; or

(g) Has no reasonable educational, industrial, commercial, agricultural, recreational, or other legitimate need for a permit to store or use explosive materials.

(3) Upon filing of a proper application and payment of the prescribed fee, and subject to the provisions of sections 28-1213 to 28-1239 and other applicable laws, the Nebraska State Patrol shall issue to such applicant a permit to store explosive materials if:

(a) The applicant, including, in the case of a corporation, partnership, or association, any individual possessing, directly or indirectly, the power to direct or cause the direction of the management and policies of the corporation, partnership, or association, is not a person to whom the Nebraska State Patrol is prohibited to issue a permit under subsection (2) of this section;

(b) The applicant has not willfully violated any of the provisions of sections 28-1213 to 28-1239 or of 18 U.S.C. chapter 40; and

(c) The applicant has a place of storage for explosive materials which meets such standards of public safety, based on the class, type, and quantity of explosive materials to be stored, and security against theft as prescribed in rules and regulations adopted and promulgated by the Nebraska State Patrol pursuant to sections 28-1213 to 28-1239 and by the Secretary of the Treasury of the United States pursuant to 18 U.S.C. chapter 40.

(4) A permit for the storage of explosive materials shall specify the class, type, and quantity of explosive materials which are authorized to be stored. It shall also specify the type of security required. A permit for the storage of explosive materials shall be valid for a period of ~~three~~ two years unless a shorter period is specified in the permit.

(5) Upon filing of a proper application and payment of the prescribed fee~~,~~ and subject to the provisions of sections 28-1213 to 28-1239 and other applicable laws, the Nebraska State Patrol shall issue to such applicant a permit to use explosive materials if:

(a) The applicant is an individual to whom the Nebraska State Patrol is not prohibited to issue a permit under subsection (2) of this section;

(b) The applicant has not willfully violated any of the provisions of sections 28-1213 to 28-1239 or of 18 U.S.C. chapter 40;

(c) The applicant has demonstrated and certified in writing that he or she is familiar with all published laws of this state and published local ordinances relating to the use of explosive materials applicable at the place or places he or she intends to use such explosive materials; ~~and~~

(d) The applicant has demonstrated that he or she has adequate knowledge, training, and experience in the use of explosive materials of the class and type for which he or she seeks a users permit and has passed a qualifying examination, as prescribed by the Nebraska State Patrol, concerning the use of such explosive materials; and

(e) The applicant has filed with his or her application verification that the applicant has filed for a check of his or her criminal history record information maintained by the Identification Division of the Federal Bureau of Investigation through the Nebraska State Patrol.

(6) A permit for the use of explosive materials shall specify the class and type of explosive materials the permitholder is qualified to use. It shall be applicable to the permitholder and to any individual acting under his or her direct personal supervision. A permit may be issued for a single use of explosive materials or, ~~where~~ when the applicant is engaged or employed in a business requiring the frequent use of explosive materials, for a period of not more than two years.

(7) Upon filing of a proper application and payment of the prescribed fees and subject to the provisions of sections 28-1213 to 28-1239 and other applicable laws, the Nebraska State Patrol shall issue to a business enterprise a permit to purchase explosive materials if:

(a) The business enterprise has a place of business in this state;

(b) No individual possessing, directly or indirectly, the power to direct or cause the direction of the management and policies of the business enterprise is a person to whom the Nebraska State Patrol is prohibited to issue a permit under subsection (2) of this section;

(c) An authorized officer of the business enterprise certifies that all explosive materials will be used on the date of purchase of such materials unless such business enterprise is in possession of a valid storage permit; and

(d) The business enterprise employs at least one employee having a valid use permit issued under this section.

(8) A permit for a business enterprise to purchase explosive materials shall specify the class and type of explosive materials which are authorized to be purchased. The class and type of explosive materials covered by such permit shall be the same as those specified in the use permit or permits issued to an employee or employees of the business enterprise. The

permit may be issued for a period of up to two years but shall become void if the business enterprise ceases to employ an individual having a valid use permit issued under this section for the class and type of explosive materials covered by the purchase permit of the business enterprise." and paragraphing and strike "5" and insert "6"; and in line 5 after the first comma insert "28-1229,".

Mr. Haberman asked unanimous consent to print the following amendment to LB 1272 in the Journal. No objections. So ordered.

AM3559

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 79-445, Revised Statutes Supplement, 1991, be amended to read as follows:

79-445. (1) The school board or board of education may admit nonresident pupils to the ~~district~~ school district, may determine the rate of tuition of the pupils, and shall collect such tuition in advance. ~~When the pupil as a ward of the state or as a ward of any court (1) has been placed in a public school district other than the district in which he or she resided at the time he or she became a ward or (2) has been placed in any institution which maintains a special education program which has been approved by the State Department of Education and such institution is not owned or operated by the pupil's resident school district, the cost of his or her education and the required transportation costs associated with the child's education shall be paid by the state to the receiving school district or approved institution or paid to the county nonresident high school tuition fund under rules and regulations prescribed by the Department of Social Services. In the case of any individual eighteen years of age or younger who is a ward of the state or any court and who is placed in a county detention home as established under section 43-2,110, the cost of his or her education shall be paid by the state, regardless of such individual's district of~~

~~residency, to the agency or institution which: (1) Is selected by the county board with jurisdiction over such detention home; (2) has agreed or contracted with such county board to provide educational services; and (3) has been approved by the State Department of Education pursuant to rules and regulations prescribed by the State Board of Education. No tuition shall be charged for children who may be by law allowed to attend the school without charge.~~

(2) The public school district in which the parent or guardian of any nonresident pupil maintains his or her legal residence shall not be liable for the payment of tuition fees and the children of school age of such parent or guardian shall be entitled to free common school privileges the same as any child who is a bona fide resident of such school district whenever the parent or guardian of such nonresident pupil, having entered the public service of the State of Nebraska, has removed from the school district in which he or she maintains legal residence into another school district for temporary purposes incidental to serving the state, without the intention of making the school district to which the parent or guardian has removed his or her legal residence.

(3) No tuition shall be charged for a child whose parents are divorced if such child attends school in a district in which either parent resides. The burden of proof as to legal residence shall rest with the person claiming legal residence in any district.

(4) The school district may allow a pupil whose residency in the district ceases during a school year to continue attending school for the remainder of that school year without payment of tuition.

(5) No tuition shall be charged for children who may be by law allowed to attend school without charge.

(6) The school board or board of education may admit nonresident pupils to the ~~district~~ school district without requiring the payment of tuition if such pupils are in the actual physical custody of a resident of the school district and are not residents of an adjoining school district and the school board or board of education determines that the pupils would otherwise be

denied guaranteed free common school privileges.

(7) The state shall pay the costs of education and the required transportation costs associated with such education of all wards of the state and all wards of any court.

Sec. 2. That original section 79-445, Revised Statutes Supplement, 1991, is repealed.".

Mrs. Robak asked unanimous consent to print the following amendment to LB 1098 in the Journal. No objections. So ordered.

AM3572

(Amendments to Standing Committee amendments, AM3161)

1. Insert the following new section:

"Sec. 9. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

VISITORS

Visitors to the Chamber were Allan Hansen, Bud and Marge Hendrickson, Juanita Bruhn, and Jan Roberts from Fremont; 16 eighth grade students and teacher from Assumption School, Omaha; four students and sponsors from Goose Creek School, Valentine; 38 seventh grade students and sponsors from Sandy Creek School, Fairfield; 40 fourth grade students and teacher from Wildwood Elementary, Ralston; and Senator Labedz's granddaughter, Amy McReynolds.

RECESS

At 12:04 p.m., on a motion by Mr. Hartnett, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:32 p.m., Speaker Baack presiding.

ROLL CALL

The roll was called and all members were present except Mrs. Bohlke who was excused; and Messrs. Abboud, Ashford, Beutler, Conway, Dierks, Schellpeper, Schmit, Mmes. Labedz, Pirsch, Rasmussen, and Robak who were excused until they arrive.

UNANIMOUS CONSENT - Print in Journal

Mr. Will asked unanimous consent to print the following amendment to LB 360 in the Journal. No objections. So ordered.

AM3487

(Amendments to AM5269)

1. Insert the following new section:

"Sec. 3. That section 48-151, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-151. Throughout the Nebraska Workers' Compensation Act, the following words and phrases as used therein shall be considered to have the following meaning, respectively, unless the context shall clearly indicate a different meaning in the construction used:

(1) The term physician shall include surgeon and in either case shall mean one legally authorized to practice his or her profession within the State of Nebraska and who is in good standing in his or her profession at the time;

(2) The word accident as used in the Nebraska Workers' Compensation Act shall, unless a different meaning is clearly indicated by the context, be construed to mean an unexpected or unforeseen injury happening suddenly and violently, with or without human fault, and producing at the time objective symptoms of an injury. The claimant shall have a burden of proof to establish by a preponderance of the evidence that such unexpected or unforeseen injury was in fact caused by the employment. There shall be no presumption from the mere occurrence of such unexpected or unforeseen injury that the injury was in fact caused by the employment;

(3) The term occupational disease shall mean only a disease which is due to causes and conditions which are characteristic of and peculiar to a particular trade, occupation, process, or employment, including cumulative trauma, and shall exclude all ordinary diseases of life to which the general public is exposed;

(4) The terms injury and personal injuries shall mean only violence to the physical structure of the body and such disease or infection as naturally

results therefrom. The terms shall include disablement resulting from occupational disease arising out of and in the course of the employment in which the employee was engaged and which was contracted in such employment. The terms shall include an aggravation of a preexisting occupational disease, the employer being liable only for the degree of aggravation of the preexisting occupational disease. The terms shall not be construed to include disability or death due to natural causes but occurring while the employee is at work, nor to mean an injury, disability, or death that is the result of a natural progression of any preexisting condition;

(5) Death, when mentioned as a basis for the right to compensation, shall mean only death resulting from such violence and its resultant effects or from occupational disease;

(6) Without otherwise affecting either the meaning or the interpretation of the abridged clause, personal injuries arising out of and in the course of employment, it is hereby declared: Not to cover workers except while engaged in, on, or about the premises where their duties are being performed, or where their service requires their presence as a part of such service at the time of the injury, and during the hours of service as such workers, and not to cover workers who, on their own initiative, leave their line of duty or hours of employment for purposes of their own;

(7) For the purpose of the Nebraska Workers' Compensation Act, willful negligence shall consist of (a) deliberate act, (b) such conduct as evidences reckless indifference to safety, or (c) intoxication at the time of the injury, such intoxication being without the consent, knowledge, or acquiescence of the employer or the employer's agent; and

(8) Whenever in the Nebraska Workers' Compensation Act the singular is used, the plural shall be included; when the masculine gender is used, the feminine shall be included.".

2. On page 19, line 12, strike "11" and insert "12"; and in line 23 after the comma insert "48-151,".

3. On page 20, line 7, after the first comma insert "48-151,"; and in line 12 after the semicolon

insert "to redefine the term occupational disease;".

4. Renumber the remaining sections accordingly.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 431A. Introduced by Wesely, 26; Bohlke, 33.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 431, Ninety-second Legislature, Second Session, 1992.

ATTORNEY GENERAL'S OPINION

Opinion No. 92046

DATE: March 16, 1992

SUBJECT: LB 245; Do the provisions of that Bill which place members of the Legislature on the Nebraska School Accountability Commission violate Article II, Section 1 or other sections of the Nebraska Constitution?

REQUESTED BY: Senator Richard Peterson,
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
Dale A. Comer, Assistant Attorney General

You have requested our opinion on the constitutionality of LB 245. Specifically, you wish to know, "...whether Section 2 {of LB 245} is constitutionally impermissible in combining in the School Accountability Commission members of the executive and legislative branches of government." In our view, the pertinent provisions of LB 245 do violate the Nebraska Constitution.

LB 245 would establish the Nebraska Schools Accountability Commission (Commission). Under the provisions of the bill, the Commission would be charged with the responsibility of developing broad curriculum frameworks and standards for learner outcomes in the Nebraska public schools. The Commission would also subsequently develop a system of assessing student progress towards achieving those standards for learner outcomes.

Section 2 of the Final Reading version of LB 245 provides that the Commission:

> ...shall consist of eleven members as follows: Two members of the Legislature appointed by the Executive Board of the Legislative Council; and one representative from the Governor's office, two public school classroom teachers, two administrators or administrative staff members, one parent, one school board member, one representative of business and industry, and one representative of agriculture,...

In our Opinion #91016 to Senator Crosby, issued March 13, 1991, we concluded that, "...members of the Legislature cannot serve on boards or commissions of state government which exercise primarily an executive or administrative function." Our conclusion was based upon the Separation of Powers provision of the Nebraska Constitution, along with Article III, Section 9 and Article IV, Section 10 of that same document. In Opinion #91016, we also cited a number of previous opinions of this office which consistently had taken a similar position.

It seems to us that the analysis which we provided to Senator Crosby in Opinion #91016 applies equally to the question which you presented. The Separation of Powers provision prevents members of the Legislature from serving on executive boards or commissions. It also would, presumably, prevent members of the Governor's staff from serving as officials on legislative bodies. As a result, any newly created governmental body which contains official members from two branches of government must necessarily be suspect. As was the case in Opinion #91016, we also believe that the governmental body contemplated by LB 245 may violate Article III, Section 9 and Article IV, Section 10 of the Nebraska Constitution.

We must also note that our analysis in Opinion #91016 is generally supported by the supreme court's decision in State ex rel. Spire v. Conway, 238 Neb. 766, 472 N.W.2d 403 (1991). That decision, which held that Senator Gerald Conway could not serve in the Legislature and also serve on the faculty of Wayne State College, was issued subsequent to Opinion #91016.

Consequently, for the various reasons stated above, we believe that the membership of the Nebraska School Accountability Commission created by Section 2 of LB 245 would violate the pertinent provisions of the Nebraska Constitution. As was the case in Opinion #91016, we must state that our opinion herein is directed to the proposed legislation contained in LB 245. For the reasons stated in Opinion #91016, this opinion cannot be considered as directed towards any statute currently in force.

Sincerely yours,
DON STENBERG
Attorney General
(Signed) Dale A. Comer
Assistant Attorney General

cc: Pat O'Donnell
Clerk of the Legislature

REPORT

Received from the Department of Revenue, the Charitable Gaming Division 1991 Annual Report in compliance with section 9-1,101(1), R.S.Supp., 1991.

MOTION - Place LB 1172 on General File

Mr. Wickersham renewed his pending motion, found in the Journal on page 1313, to place LB 1172 on General File pursuant to Rule 3, Sec. 19b.

PRESIDENT MOUL PRESIDING

Mr. Hartnett asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?"

Mr. Lamb moved for a call of the house. The motion prevailed with 17 ayes, 7 nays, and 25 not voting.

Mr. Lamb requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 20:

Ashford
Beutler
Beyer
Byars
Cudaback
Hefner
Johnson, L.
Kristensen
Lamb
Landis
Lynch
Moore
Nelson
Peterson
Pirsch
Robinson
Rogers
Schmit
Warner
Wehrbein

Voting in the negative, 17:

Bernard-Stevens
Chambers
Chizek
Conway
Crosby
Haberman
Hall
Hillman
Horgan

Johnson, R.
Lindsay
Morrissey
Schimek
Schrock
Wesely
Wickersham
Will

Present and not voting, 6:

Baack
Coordsen
Dierks
Elmer
Robak
Withem

Excused and not voting, 6:

Abboud
Bohlke
Hartnett
Labedz
Rasmussen
Schellpeper

The motion to cease debate lost with 20 ayes, 17 nays, 6 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

SPEAKER BAACK PRESIDING

Mr. Peterson moved the previous question. The question is, "Shall the debate now close?"

Mr. Peterson moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

The motion to cease debate prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Haberman requested a record vote on the motion to place LB 1172 on General File.

Voting in the affirmative, 25:

Ashford
Bernard-Stevens
Beutler
Chambers
Chizek
Conway
Elmer
Haberman
Hall
Hillman
Johnson, L.
Johnson, R.
Landis
Lindsay
Moore
Morrissey
Nelson
Robak
Rogers
Schimek
Schmit
Wesely
Wickersham
Will
Withem

Voting in the negative, 13:

Baack
Beyer
Byars
Coordsen
Cudaback
Hefner
Horgan
Kristensen
Lamb
Peterson
Pirsch
Warner
Wehrbein

Present and not voting, 5:

Crosby
Dierks
Lynch
Robinson
Schrock

Excused and not voting, 6:

Abboud
Bohlke
Hartnett
Labedz
Rasmussen
Schellpeper

The Wickersham motion prevailed with 25 ayes, 13 nays, 5 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

MR. WARNER PRESIDING

UNANIMOUS CONSENT - Print in Journal

Messrs. Hall and Conway asked unanimous consent to print the following amendment to LB 1135 in the Journal. No objections. So ordered.

AM3515

(Amendments to Standing Committee amendments, AM3000)

1. Insert the following new section:

"Sec. 5. The Tax Commissioner shall determine whether passenger cars, pickups, and vans weighing less than five tons have a value when new of less than seventeen thousand dollars or of seventeen thousand dollars or more. The Tax Commissioner shall make the determination for such motor vehicles already manufactured or being manufactured. The value when new shall be the ordinary retail asking price for a new motor vehicle of that year and model equipped with the standard features and not including transportation or delivery cost.

Any person interested in the determination of the value when new, or any taxing unit may, within ten days after such determination of value has been filed by the Tax Commissioner, file objections in writing to the

Tax Commissioner, stating why he or she claims such determination is unjust or inequitable. Upon the filing of such objections the Tax Commissioner shall fix a time of hearing. Either party shall be permitted to introduce any evidence in reference thereto, and the Tax Commissioner shall act upon the objections and shall make such an order in the premises as shall seem just and reasonable. The final determination by the Tax Commissioner may be appealed. The appeal shall be in accordance with the Administrative Procedure Act.

The Tax Commissioner shall certify the determination of values to the county assessor of each county on or before August 1 of each year. Throughout the year as new makes and models of motor vehicles are available to Nebraska residents, the Tax Commissioner shall determine the values for such motor vehicles and certify such to the county assessors.".

2. Insert the following new amendments:

"4. On page 6, after line 7, insert the following new subsection:

'(3) This section shall apply to motor vehicles purchased or required to be registered after August 1, 1992.'

10. On page 71, strike line 12 and insert 'August 1, 1992.'".

3. On page 2, line 18, after the first comma insert "line 24, after 'vehicles' insert 'owned by the state and its governmental subdivisions and exempt as provided in subdivision (1)(a) of section 77-202 and motor vehicles';"; in line 23 after the first comma insert "strike lines 6 through 10 and insert:

'PASSENGER CARS, PICKUPS, AND VANS -- Up to five tons and with a value when new of less than 17,000 dollars

(a) First year	$250
(b) Second year	230
(c) Third year	210
(d) Fourth year	190
(e) Fifth year	170
(f) Sixth year	150
(g) Seventh year	100
(h) Eighth year	80
(i) Ninth year	70'

; in line 11 strike '(d)' and insert '(j)'; in line 12 strike '(e)' and insert '(k)'; in line 14 strike '(f)' and insert '(l)'; after line 14 insert:

(2) PASSENGER CARS, PICKUPS, AND VANS -- Up to five tons and with a value when new of 17,000 dollars or more

(a) First year	$285
(b) Second year	275
(c) Third year	270
(d) Fourth year	225
(e) Fifth year	210
(f) Sixth year	190
(g) Seventh year	150
(h) Eighth year	90
(i) Ninth year	80
(j) Tenth through twelfth years	25
(k) Thirteenth and fourteenth years	15
(l) Fifteenth year and after	10'

; in line 15 strike '(2)' and insert '(3)'; and".

4. On page 3, line 1, strike "(3)" and insert "(4)"; in line 10 strike "(4)" and insert "(5)"; and in line 19 strike "(5)" and insert "(6)".

5. On page 4, line 5, strike "(6)" and insert "(7)"; and in line 15 strike "(7)" and insert "(8)".

6. On page 5, line 1, strike "(8)" and insert "(9)"; in line 2 strike "(9)" and insert "(10)" and after the semicolon insert "; in line 15 strike '$450' and insert '$400'; in line 16 strike '350' and insert '300'; in line 17 strike '200' and insert '175'; and in line 18 strike '120' and insert '95' "; in line 3 strike "(10)" and insert "(11)"; in line 5 strike "(11)" and insert "(12)" and strike "(12)" and insert "(13)"; in line 7 strike "(13) UTILITY TRAILERS" and insert "(14) TRAILERS OTHER THAN SEMITRAILERS"; and in line 16 strike "(14) UTILITY TRAILERS" and insert "(15) TRAILERS OTHER THAN SEMITRAILERS".

7. On page 6, strike beginning in line 1 through the last quotation marks in line 10 and insert:

"8. On page 10, strike lines 1 through 4 and insert:

'(16) TRAILERS OTHER THAN SEMITRAILERS -- Over nine thousand pounds'; after line 11 insert:

'(17) SEMITRAILERS	
(a) First through third year	$185
(b) Fourth through sixth year	135
(c) Seventh through ninth year	100
(d) Tenth through twelfth year	65
(e) Thirteenth and fourteenth year	50
(f) Fifteenth year and after	40' "

; in line 11 strike "(8) through (11)" and insert "(9) through (12)"; and in line 13 strike "and"; in line 14 before the period insert "; after line 18 insert:

'For purposes of subdivisions (14) through (17) of this section, trailer and semitrailer shall have the meanings as defined in section 60-301.' "; and in line 16 strike "5" and insert "6".

8. Renumber the remaining amendments accordingly.

9. Renumber the remaining sections accordingly.

Mrs. Nelson asked unanimous consent to print the following amendment to LB 672 in the Journal. No objections. So ordered.

AM3486

(Amendments to Standing Committee amendments, AM2558)

1. Insert the following new sections:

"Sec. 3. That section 16-1029, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

16-1029. When prior to retirement, any firefighter participating in the retirement system established pursuant to sections 16-1020 to 16-1038 ~~shall die~~ dies other than in the line of duty, the entire retirement value shall be payable to the beneficiary specified by the deceased firefighter prior to his or her death or to the deceased firefighter's estate in the event that no beneficiary was specified. The retirement value may be received by the beneficiary in the form of a single lump-sum payment, a straight life annuity, or any other optional form of benefit specified in the group annuity contract.

If such benefits are payable in the form of annuity benefits, and if any firefighter employed by such city as a member of its paid fire department on January 1, 1984, and any firefighter reemployed thereafter who while employed in such department entered military service and is still in military service, ~~shall die~~ dies other than in the line of duty after becoming fifty years of age and before electing to retire, and after serving in the paid fire department of such city for at least twenty-one years, then a pension of at least twenty-five percent of his or her regular pay as defined in section 16-1021 under a straight life annuity shall be paid to the surviving spouse or minor children of such deceased firefighter.

In the event the surviving spouse or minor children of such deceased firefighter dies before the aggregate amount of pension payments received by the firefighter and his or her survivor beneficiaries, if any, equals the total amount in the employee's account, including interest, the difference between the total amount in the employee's account and the aggregate amount of pension payments received by the retired firefighter and his or her surviving beneficiaries, if any, shall be paid in a single sum to the firefighter's duly qualified personal representative, except that if the difference is less than five hundred dollars, the city may pay the same to such claimant or claimants as the retirement committee, in its discretion, ~~shall determine~~ determines to be entitled to the funds.

To the extent that the retirement value at the date of death exceeds the amount required to purchase the specified pension, the excess ~~will~~ shall be applied to increase the amount of the pension benefit. In the event that the pension benefit is payable, the retirement value of the firefighter's retirement account who died after the age of fifty shall be ~~retained by the city~~ deposited in the unallocated employer account.

Sec. 4. That section 16-1030, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

16-1030. When prior to retirement any firefighter participating in the retirement system established pursuant to sections 16-1020 to 16-1038 ~~shall die~~ dies in the line of duty or in case death is caused by or is the result of injuries received while in the line of duty, the entire retirement value shall be payable to the beneficiary specified by the deceased firefighter prior to his or her death or to the deceased firefighter's estate in the event that no beneficiary was specified. The retirement value may be received by the beneficiary in the form of a single lump-sum payment, a straight life annuity, or any other optional form of benefit specified in the group annuity contract. For a firefighter who is survived by a spouse or minor children, a retirement pension of fifty percent of regular pay shall be paid to the surviving spouse, or upon his or her remarriage or death, to the minor child or children during such child's or children's minority subject to deduction of the amounts paid as workers' compensation benefits on account of death, as provided in section 16-1032.

In the event the surviving spouse or minor children of such deceased firefighter dies before the aggregate amount of pension payments received by the firefighter and his or her survivor beneficiaries, if any, equals the total amount in the employee's account, including interest, the difference between the total amount in the employee's account and the aggregate amount of pension payments received by the retired firefighter and his or her surviving beneficiaries, if any, shall be paid in a single sum to the firefighter's duly qualified personal representative, except that if the difference is less than five hundred dollars, the city may pay the same to such claimant or claimants as the retirement committee, in its discretion, ~~shall determine~~ determines to be entitled to the funds.

To the extent that the retirement value at the date of death exceeds the amount required to purchase the specified retirement pension, reduced by any amounts paid as workers' compensation benefits, the excess shall be applied to increase the amount of the pension benefit. In the event that the specified retirement pension is payable, the retirement value shall be ~~retained by the city~~ deposited in the unallocated employer account.".

2. On page 1, line 15, strike "the" and insert "such"; and in line 16 after "city" insert "from the unallocated employer account".

3. On page 4, line 24, after "city" insert "from the unallocated employer account".

4. On page 5, line 1, strike "7" and insert "9"; and in line 19 after "shall" insert ", subject to approval by the city council,".

5. On page 6, strike beginning with "Such" in line 12 through line 14 and show as stricken; and strike beginning with "increments" in line 21 through "in" in line 22.

6. On page 7, after line 3, insert the following new subsection:

"(3) The funds in the Firefighters Retirement System Fund shall be invested pursuant to the policies established by the Nebraska Investment Council."; and strike lines 14 and 15 and insert the following new subdivision:

"(3) Conduct meetings pursuant to sections 84-1408 to 84-1414;".

7. On page 9, line 10, after "city" insert "from the unallocated employer account"; in lines 12 and 14 strike "7" and insert "9"; and in line 16 after the first comma insert "16-1029, 16-1030,".

8. Renumber the remaining sections accordingly.

RESOLUTIONS

LEGISLATIVE RESOLUTION 282. Introduced by Business and Labor Committee: Coordsen, 32, Chairperson; Bohlke, 33; Chambers, 11; Elmer, 38; Hefner, 19; Morrissey, 1; Schimek, 27.

PURPOSE: To examine the following seven areas of Nebraska's Employment Security Law:

(1) Negative balance employer contribution rates;
(2) New employer tax rates;
(3) Seasonal employment;
(4) Taxable wage base;
(5) The disqualification method;
(6) The determination of contribution rates by either having a range of contribution rates depending on the balance in the Unemployment Compensation Fund or by some other method; and
(7) Benefits.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 283. Introduced by Business and Labor Committee: Coordsen, 32, Chairperson; Bohlke, 33; Chambers, 11; Elmer, 38; Hefner, 19; Morrissey, 1; Schimek, 27.

PURPOSE: To study the feasibility of having the Department of Labor be responsible for all state and federal job training programs.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 284. Introduced by Business and Labor Committee: Coordsen, 32, Chairperson; Bohlke, 33; Chambers, 11; Elmer, 38; Hefner, 19; Morrissey, 1; Schimek, 27.

PURPOSE: To examine age discrimination in Nebraska workplaces.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 556. Title read. Considered.

Standing Committee amendment, AM2560, printed separately from the Journal and referred to on page 552, was considered.

Mr. Baack renewed his pending amendment, AM2686, found in the Journal on page 627, to the Standing Committee amendment.

Messrs. Chizek and L. Johnson asked unanimous consent to be excused until they return. No objections. So ordered.

MR. CONWAY PRESIDING

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

MR. WARNER PRESIDING

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?"

Mr. Beutler moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

The motion to cease debate prevailed with 25 ayes, 0 nays, and 24 not voting.

The Baack amendment was adopted with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Messrs. Bernard-Stevens and Peterson asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Baack renewed his pending amendment, AM2762, found in the Journal on page 690, to the Standing Committee amendment.

Messrs. Kristensen, Lindsay, and Schmit asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?"

Mr. Beutler moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

The motion to cease debate prevailed with 25 ayes, 0 nays, and 24 not voting.

The Baack amendment was adopted with 27 ayes, 2 nays, 8 present and not voting, and 12 excused and not voting.

The Chair declared the call raised.

Mr. Ashford renewed his pending amendment, AM2948, found in the Journal on page 876, to the Standing Committee amendment.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 3 nays, and 21 not voting.

Mr. Ashford moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. Ashford requested a roll call vote on his amendment.

Voting in the affirmative, 12:

Ashford
Bernard-Stevens
Cudaback
Dierks
Elmer
Horgan
Nelson
Pirsch
Robinson
Schimek
Schrock
Warner

Voting in the negative, 20:

Baack
Beyer
Chambers
Conway
Coordsen
Hall
Hartnett
Hefner
Hillman
Johnson, R.
Kristensen
Lamb
Lynch
Moore
Morrissey
Schellpeper
Wehrbein
Wesely
Will
Withem

Present and not voting, 5:

Beutler
Byars
Crosby
Rogers
Wickersham

Excused and not voting, 12:

Abboud
Bohlke
Chizek
Haberman
Johnson, L.
Labedz
Landis
Lindsay
Peterson
Rasmussen
Robak
Schmit

The Ashford amendment lost with 12 ayes, 20 nays, 5 present and not voting, and 12 excused and not voting.

The Chair declared the call raised.

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 285. Introduced by Elmer, 38; Abboud, 12; Ashford, 6; Baack, 47; Bernard-Stevens, 42; Beutler, 28; Bohlke, 33; Byars, 30; Chizek, 31; Coordsen, 32; Crosby, 29; Cudaback, 36; Dierks, 40; Haberman, 44; Hall, 7; Hartnett, 45; Hefner, 19; Hillman, 48; Horgan, 4; L. Johnson, 15; R. Johnson, 34; Kristensen, 37; Labedz, 5; Lamb, 43; Landis, 46; Lindsay, 9; Lynch, 13; Moore, 24; Morrissey, 1; Nelson, 35; Peterson, 21; Pirsch, 10; Robak, 22; Robinson, 16; Rogers, 41; Schellpeper, 18; Schimek, 27; Schmit, 23; Schrock, 39; Wehrbein, 2; Wesely, 26; Wickersham, 49; Will, 8.

PURPOSE: Revenue and taxation are issues of vital importance to the livelihood of Nebraskans and the vitality of the State of Nebraska. The purpose of this resolution is to conduct a study regarding the implementation of a gross receipts tax for the sole purpose of providing funds to operate the public schools and community colleges in this state. The study shall address the following issues:

(1) The method or structure needed to impose a gross receipts tax;

(2) Estimates of revenue which could be raised by a gross receipts tax;

(3) The advantages and disadvantages of implementing a gross receipts tax;

(4) The impact on property taxes across the state as a result of the use of the gross receipts tax to fund public schools and community colleges;

(5) Changes necessary in the state's current tax structure pursuant to the implementation of a gross receipts tax; and

(6) Any other issue the committee deems necessary to fully conduct the study.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 286. Introduced by Hillman, 48; Lynch, 13.

Whereas, the Certificate of Need process can have a significant impact on the access, availability, and cost of health care in Nebraska; and

Whereas, the impact of the Certificate of Need process can be different in rural and urban areas; and

Whereas, a need exists to reexamine the effectiveness of the Certificate of Need process to determine if it is meeting its intended purpose.

Therefore, the purpose of this study is to review the Certificate of Need process in Nebraska, including:

(1) The effectiveness of the current Certificate of Need procedural process and the interaction of the Certificate of Need committee with the Department of Health; and

(2) The impact of the decisions made in the Certificate of Need process on the access, availability, and cost of health care services in rural and urban areas.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 287. Introduced by Hefner, 19.

PURPOSE: The purpose of this study is to review Nebraska's laws on motor vehicle registration.

The study shall include a review of the state's policy on the registration of vehicles of nonresident owners, the registration of vehicles by Nebraska residents in other states, the penalties for improper registration, the adequacy of law enforcement and the methods used to enforce the registration laws, the respective roles and duties of the Department of Motor Vehicles and county officials in the registration process, any agreements entered into with other states, vehicles which may be exempt from registration, and the collection of personal property taxes on motor vehicles which are registered and those which are not.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 288. Introduced by Wehrbein, 2.

PURPOSE: Agriculture is vital to Nebraska's growth and the dairy industry has played an important supporting role. Dairy production is significant to Nebraska's economy, both in actual milk production and the eventual processing of milk for consumer use. Recent declines in the number of dairy producers has not only affected the agriculture sector but has resulted in lower total milk production for the state. Nebraska is a leader in the processing of milk for consumer and commercial use, and with the current downswing in milk production, a loss of jobs in the processing field will occur. Nebraska may well become an importer of milk instead of an exporter of value-added milk products. It is necessary for the State of Nebraska to examine the current trend of decreased milk production and how this will impact the future of Nebraska's dairy industry. This study should consider a method of stabilizing milk prices for producers, thus insuring a steady flow of milk for processing. With the expected decrease in milk production, it is also necessary to investigate a method of stabilizing retail milk prices so the consumer of dairy products is not hurt by the expected price increases due to the loss of state milk production. The study should look at legislation in surrounding states which deals with dairy price stabilization. Also, the study should investigate any current or proposed federal action and how it relates to the state's dairy industry.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Mr. Conway asked unanimous consent to print the following amendment to LB 72 in the Journal. No objections. So ordered.

AM3570

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 81-1578, Revised Statutes Supplement, 1991, be amended to read as follows:

81-1578. Sections 81-1578 to 81-15,116 and section 2 of this act shall be known and may be cited as the Low-Level Radioactive Waste Disposal Act.

Sec. 2. (1)(a) For purposes of this section, affected area shall mean the county within which a proposed site for a facility is located and any county which is contiguous to such county.

(b) It is the intent of the Legislature that for purposes of the Low-Level Radioactive Waste Disposal

Act, the affected area shall be the area used to determine community support for the facility pursuant to subsection (3) of section 81-1579.

(2) To ensure that the citizens residing in the affected area are actively and voluntarily involved in the siting process, the developer shall, prior to licensure of a facility, provide written notification to the Governor, Legislature, department, and county boards of commissioners or supervisors of the counties included in the affected area and publish a prominent notice in at least one newspaper with general circulation in the affected area identifying the proposed site.

(3) At least thirty days but not more than ninety days after the county boards receive the required notice, a special election shall be held in the affected area for the purpose of determining whether a facility should be built on the proposed site. The special election shall be called by the county board of the county within which the proposed site is located, and the date for such election shall be publicly announced within thirty days after the public identification of the site prescribed in subsection (2) of this section. If the date chosen for the special election is less than thirty days before a general or primary election, the special election shall be held on the same date as the general or primary election. If more than one site is proposed within the affected area, a separate ballot shall be used for each site and the ballot questions shall distinguish specifically between the sites. The election commissioner or county clerk of the county within which the proposed site is located shall have the necessary ballots printed and distributed to the designated polling places.

(4) Any registered voter who is a resident of the affected area may vote on the question. If less than a majority of such registered voters voting on the question for a given site vote to approve the facility, the application for a license for a facility at such site shall be denied. The election commissioner or county clerk of the county in which the proposed site is located shall forward to the Secretary of State pursuant to law the official canvass of the votes cast in the affected area on the question. The state canvassing

board shall canvass the results of the election and certify the results to the county boards of all counties within the affected area. The costs of the special election shall be paid from the Low-Level Radioactive Waste Cash Fund. The election commissioners or county clerks of the other counties in the affected area shall assist and cooperate with the election commissioner or county clerk of the county in which the proposed site is located to ensure an efficient and orderly election.

(5) Voter approval for any site for a facility shall not alter or compromise any scientific requirements of licensure.

Sec. 3. That original section 81-1578, Revised Statutes Supplement, 1991, is repealed.

Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

Mr. Hall asked unanimous consent to print the following amendment to LB 962 in the Journal. No objections. So ordered.

AM3593

(Amendments to Standing Committee amendments, AM2812)

1. On page 9, line 23, after the underscored period insert the following new subsection:

"(3)(a) Every resident individual shall be allowed to subtract from federal adjusted gross income the actual amount paid to others for tuition, textbooks, and transportation during the tax year not in excess of one thousand one hundred dollars for each dependent in grades kindergarten through six and one thousand seven hundred dollars for each dependent in grades seven through twelve attending a public or nonpublic elementary or secondary school. No deduction shall be allowed under this subsection unless the school is located in the state or within twenty-five miles of the student's residence, is not operated for profit, does not discriminate on the basis of race, color, or national origin, does not permit the infliction of corporal punishment, and fulfills the school term requirements prescribed in section 79-201 or a comparable state requirement.

(b) For purposes of this subsection:

(i) Dependent shall mean a person for whom the individual claims a dependency exemption on his or her federal income tax return;

(ii) Textbooks shall mean and include books, instructional materials, and equipment used in teaching the elementary or secondary instructional program prescribed by the rules and regulations of the State Board of Education. Textbooks shall not include books, instructional materials, or equipment used in the teaching of religious tenets, doctrines, or worship or for extracurricular activities;

(iii) Transportation shall not include transportation to and from extracurricular activities; and

(iv) Tuition shall mean any amount charged for the opportunity to be enrolled in an instructional program by a public or nonpublic elementary or secondary school approved or accredited under rules and regulations established by the State Board of Education pursuant to subdivision (5)(c) of section 79-328.".

Mr. R. Johnson asked unanimous consent to print the following amendment to LB 958 in the Journal. No objections. So ordered.

AM3586

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. At the general election in November 1992, the question of whether the Legislature should pass legislation mandating the use of seat safety belts or other occupant protection systems in motor vehicles shall be submitted to a vote of the people for an advisory opinion. The question shall be submitted in substantially the following form:

Is it desirable that the Legislature pass legislation mandating the use of seat safety belts or other occupant protection systems in motor vehicles.

.... For passage

.... Against passage

The procedure concerning the form and preparation of the ballot, the publication of arguments, election officers, voting places, election apparatus and blanks, information to voters, delivery of ballots, calling of elections, conduct of elections, manner of voting, counting of votes, records and certificates of elections, recounts of votes, canvassing and returning votes and abstracts thereof, and the proclamation of the result of the election by the Governor shall conform to the laws concerning proposals submitting measures as provided in sections 32-702 to 32-713 so far as applicable, except that the ballot title on the question submitted shall be designated as follows: Advisory vote on legislation mandating use of seat safety belts or other occupant protection systems.

Sec. 2. The result of the vote cast on a question submitted under section 1 of this act shall be regarded as advisory to the Legislature of the State of Nebraska of the opinion of the people concerning such proposed legislation and shall in no way be binding upon the Legislature or any member thereof or considered as controlling in any action taken either to pass or not to pass such legislation.".

Mr. R. Johnson asked unanimous consent to print the following amendment to LB 958 in the Journal. No objections. So ordered.

AM3569

1. On page 35, after line 14 insert the following new subsections:

"(4) Notwithstanding any other provision of law, upon passage of Legislative Bill 958, Ninety-second Legislature, Second Session, 1992, section 6 of this act shall be referred to the electors of this state and placed on the ballot by the Secretary of State at the general election in November 1992 pursuant to section 32-707.01.

(5)(a) A vote Repeal shall repeal section 6 of this act and the law in effect prior to passage of Legislative Bill 958, Ninety-second Legislature, Second Session, 1992, shall be effective.

(b) A vote Retain shall approve section 6 of this act and it shall remain in effect as the law.".

Mr. Wesely asked unanimous consent to print the following amendment to LB 678 in the Journal. No objections. So ordered.

AM3505

(Amendments to AM2353)

1. On page 1, line 13, after the period insert "The court may, upon its own motion or upon a motion by the prosecuting attorney, order an independent psychiatric or psychological evaluation of the person. The court shall consider the results of the evaluation at the evidentiary hearing. The cost of the independent evaluation shall be borne by the county.".

2. On page 2, line 11, after the first period insert:

"(3) If the person has been treated in a regional center or other appropriate facility and is placed in a less restrictive treatment program, the regional center or other appropriate facility shall develop an individual discharge plan and provide the less restrictive treatment program a copy of the discharge plan and relevant treatment information.

(4) The less restrictive treatment program shall submit quarterly reports to the court and the prosecuting attorney documenting the treatment progress of the person. If the person in the less restrictive program fails to comply with any condition set by the court, the court and the prosecuting attorney shall be notified.

(5) The court shall annually, upon a motion by the prosecuting attorney, or upon its own motion hold a hearing to determine whether a person is complying with the conditions set by the court. The court may issue a warrant directing the sheriff to take the person into custody and place him or her into a mental health center, regional center, or other appropriate facility with available space where he or she shall be held pending the hearing. Following the hearing the court shall determine whether placement in the less restrictive treatment program should be continued or ceased, or whether the conditions of the placement should be continued or modified.".

Mr. Morrissey asked unanimous consent to print the following amendment to LB 1257 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM3567.)

Mr. Ashford asked unanimous consent to print the following amendment to LB 1092 in the Journal. No objections. So ordered.

AM3261

(Amendments to AM2990)

1. Insert the following new section:

"Sec. 22. (1) The Superintendent of the Nebraska State Patrol or his or her designee shall allocate grants or funding on a local matching basis to cities, villages, and school districts that apply for grants or funding for gun safety programs, projects, and information affirmatively intended to reduce deaths and injuries from gun accidents. Grants or funding may be allocated for projects such as the production, development, and distribution of firearm safety pamphlets, literature, and video cassettes and local gun amnesty programs. No gun amnesty program shall offer money or any other thing of value in exchange for the surrender of a firearm. Cities, villages, and school districts applying for grants or funding shall describe the intended use of the grants or funding.

(2) The criteria the superintendent or his or her designee shall use to allocate the grants or funding shall include:

(a) Cost effectiveness of the program or project;

(b) Ratio of applicant's local matching funds; and

(c) Overall city, village, or school district involvement in the program or project.".

2. Renumber the remaining sections accordingly.

Mr. Ashford asked unanimous consent to print the following amendment to LB 145 in the Journal. No objections. So ordered.

AM3005

1. Insert the following new sections:

"Sec. 8. (1) An amount equal to the costs incurred by an employer, including, but not limited to, wages and fringe benefits as defined in section 48-1229, due to family medical leave granted to an employee shall be allowed to the employer as a credit against the income tax imposed pursuant to sections 77-2714 to 77-27,123. The credit may be carried forward for succeeding tax years.

(2) An employer employing less than one hundred employees who voluntarily adopts and makes available to his or her employees a family medical leave policy pursuant to the Family Medical Leave Act shall be eligible for the credit prescribed in subsection (1) of this section.

(3) The Department of Revenue shall adopt and promulgate rules and regulations to carry out this section, including rules and regulations to define costs and to prescribe the documentation necessary to verify such costs.

Sec. 9. That section 77-2715.07, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2715.07. (1) There shall be allowed to qualified resident individuals as a credit against the tax imposed by sections 77-2714 to 77-27,123:

(a) A credit equal to the federal credit allowed under section 22 of the Internal Revenue Code;

(b) A credit equal to twenty-five percent of the federal credit allowed under section 21 of the Internal Revenue Code; and

(c) A credit for taxes paid to another state as provided in section 77-2730.

(2) There shall be allowed to all individuals as a credit against the tax imposed by the Nebraska Revenue Act of 1967:

(a) A carryover of the credit for renewable energy source systems as provided under section 66-1047; ~~and~~

(b) A credit for contributions to certified community betterment programs as provided in the Community Development Assistance Act. Each partner or each shareholder of an electing subchapter S corporation shall report his or her share of the credit in the same manner and proportion as he or she reports the partnership or subchapter S corporation income; and

(c) A credit for costs incurred pursuant to the Family Medical Leave Act as provided in section 8 of this act.

Sec. 10. That section 77-2734.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2734.03. (1) Any (a) corporation subject to tax under Chapter 77, article 9, or section 81-523, (b) electric cooperative organized under ~~Chapter 70, article 14~~ the Joint Public Power Authority Act, or (c) credit union shall be credited, in the computation of the tax due under the Nebraska Revenue Act of 1967, with the amount paid during the taxable year as taxes in lieu of intangible tax.

(2) There shall be allowed to corporate taxpayers a credit for nonhighway use motor vehicle fuels as provided in section 66-4,124.

(3) There shall be allowed to corporate taxpayers a renewable energy source systems credit or a builder's credit as provided in sections 66-1048 and 66-1050.

(4) There shall be allowed to corporate taxpayers a tax credit for contributions to community betterment programs as provided in the Community Development Assistance Act.

(5) There shall be allowed to corporate taxpayers a tax credit for costs incurred pursuant to the Family Medical Leave Act as provided in section 8 of this act.

Sec. 11. Sections 1 to 8 and 11 of this act shall become operative on January 1, 1993. The other sections of this act shall become operative for all taxable years beginning or deemed to begin on or after January 1, 1993, under the Internal Revenue Code of 1986, as amended.

Sec. 12. That original sections 77-2715.07 and 77-2734.03, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

2. On page 2, line 1, strike "This" and insert "Sections 1 to 8 of this".

3. In the Standing Committee amendments, AM0817, strike amendment 1 and renumber the remaining amendments accordingly.

4. Insert underscoring in original sections 1 to 7 and all amendments thereto.

GENERAL FILE

LEGISLATIVE BILL 556. Mr. Wesely renewed his pending amendment, AM3533, found in the Journal on page 1367, to the Standing Committee amendment.

Mr. Wesely withdrew his pending amendment.

Mr. Coordsen asked unanimous consent to replace his pending amendment, AM3568, found in the Journal on page 1415, with a substitute amendment. No objections. So ordered.

Mr. Coordsen withdrew his pending amendment, AM3568, found in the Journal on page 1415.

Mr. Coordsen offered the following substitute amendment to the Standing Committee amendment:
AM3589
(Amendments to Standing Committee amendments, AM2560)

1. Insert the following new sections:

"Sec. 8. Commodity board shall mean only the Corn Development, Utilization, and Marketing Board, the Nebraska Dairy Industry Development Board, the Grain Sorghum Development, Utilization, and Marketing Board, the Soybean Development, Utilization, and Marketing Board, the Nebraska Wheat Development, Utilization, and Marketing Board, the Dry Bean Commission, the Nebraska Potato Development Committee, and the Nebraska Poultry and Egg Development, Utilization, and Marketing Committee.

Sec. 9. That section 49-1499, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

49-1499. An individual designated in section 49-1493~~,~~ or an official or employee of the executive branch of state government~~,~~ who, in the discharge of his or her official duties, would be required to take any action or make any decision that may cause financial benefit or detriment to him or her, a member of his or her immediate family, or a business with which he or she is associated, which is distinguishable from the effects of such action on the public generally, or a broad segment of the public, shall take the following actions as soon as he or she is aware of such potential conflict~~,~~ or should reasonably be aware of such potential conflict, whichever is sooner:

(1) Prepare a written statement describing the matter requiring action or decision and the nature of the potential conflict, and, if he or she is a member of the Legislature and will not abstain from voting, deliberating, or taking other action on the matter, the statement shall state why, despite the potential conflict, he or she intends to vote or otherwise participate; and

(2) Deliver a copy of the statement to the commission and:

(a) If he or she is a member of the Legislature, ~~he or she shall~~ deliver a copy of the statement to the Speaker of the Legislature, who shall cause the statement to be filed with the Clerk of the Legislature to be held as a matter of public record. He or she may abstain from voting, deliberating, or taking other action on the matter on which the potential conflict exists, in which case he or she may have the reasons for the abstention recorded in the journal or minutes of the Legislature. Nothing in this section shall be construed to prohibit any member of the Legislature from voting, deliberating, or taking other action on any matter that comes before the body; or

(b) If he or she is not a member of the Legislature, ~~he or she shall~~ deliver a copy of the statement to his or her immediate superior, if any, who shall assign the matter to another or, if he or she has no immediate superior, he or she shall take such steps as the commission shall prescribe or advise to remove himself or herself from influence over actions and decisions on the matter. This restriction shall not prevent such a person from (i) making or participating in the making of a governmental decision to the extent that the individual's participation is legally required for the action or decision to be made~~, but in such event the person shall report the occurrence to the commission~~ or (ii) making or participating in the making of a governmental decision if the potential conflict of interest is based upon a business association and the business association exists only as the result of his or her position on a commodity board. A person acting pursuant to subdivision (i) of this subdivision shall report the occurrence to the commission.".

2. On page 10, line 18, strike "section" and insert "sections 49-1499 and".

3. Renumber the remaining sections accordingly.

Messrs. Hefner, Robinson, and Horgan asked unanimous consent to be excused until they return. No objections. So ordered.

The Coordsen amendment was adopted with 16 ayes, 0 nays, 18 present and not voting, and 15 excused and not voting.

Mr. Chambers offered the following amendment to the Standing Committee amendment:
FA313
Amend Committee Amendment (AM2560)
Page 6, line 16: strike "or believes"

The Chambers amendment was adopted with 23 ayes, 0 nays, 11 present and not voting, and 15 excused and not voting.

Mr. R. Johnson offered the following amendment to the Standing Committee amendment:
FA314
Amend line 11, page 3 of amendment #2560.
Strike "twenty-five" and insert "fifty."

The R. Johnson amendment was adopted with 21 ayes, 0 nays, 13 present and not voting, and 15 excused and not voting.

Mr. Rogers asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers requested a record vote on the Standing Committee amendment, as amended.

Voting in the affirmative, 28:

Ashford
Baack
Bernard-Stevens
Beutler
Beyer
Byars
Conway
Coordsen
Crosby
Cudaback
Dierks
Elmer
Hartnett
Hillman
Johnson, R.
Kristensen
Lamb
Moore
Morrissey
Nelson
Schimek
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 1:

Chambers

Present and not voting, 4:

Hall
Lynch
Pirsch
Schellpeper

Excused and not voting, 16:

Abboud
Bohlke
Chizek
Haberman
Hefner
Horgan
Johnson, L.
Labedz
Landis
Lindsay
Peterson
Rasmussen
Robak
Robinson
Rogers
Schmit

The Standing Committee amendment, as amended, was adopted with 28 ayes, 1 nay, 4 present and not voting, and 16 excused and not voting.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Ashford asked unanimous consent to print the following amendment to LB 1282 in the Journal. No objections. So ordered.

AM3530

1. On page 95, line 16, after "pharmacy" insert ". The dispensing of methadone pursuant to a narcotics treatment program for maintenance or detoxification treatment for narcotics addicts as defined by 21 C.F.R. 291.505 by a licensed registered nurse or licensed practical nurse designated by and pursuant to a lawful order countersigned by a medical practitioner shall not be deemed to be the practice of pharmacy".

Mr. Lamb asked unanimous consent to print the following amendment to LB 1022 in the Journal. No objections. So ordered.

AM3604

(Amendments to AM3186)

1. Strike amendment 5 and renumber the remaining amendments accordingly.

VISITORS

Visitors to the Chamber were 60 fourth grade students and teacher from Tara Heights Elementary, Papillion; and Lieutenant Governor Jack Mildren from Oklahoma and Jerry Tagge from Omaha.

The Doctor of the Day was Michael Rausch from Lincoln.

ADJOURNMENT

At 5:29 p.m., on a motion by Mr. Withem, the Legislature adjourned until 9:00 a.m., Friday, March 20, 1992.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-SIXTH DAY - MARCH 20, 1992

LEGISLATIVE JOURNAL

FORTY-SIXTH DAY - MARCH 20, 1992

LEGISLATIVE JOURNAL

NINETY-SECOND LEGISLATURE SECOND SESSION

FORTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, March 20, 1992

Pursuant to adjournment, the Legislature met at 9:04 a.m., Speaker Baack presiding.

PRAYER

The prayer was offered by Pastor William Armold, First United Methodist Church, Holdrege, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Labedz who was excused; and Messrs. Bernard-Stevens, Beyer, Chambers, Conway, Hall, Hartnett, Horgan, R. Johnson, Lindsay, Peterson, Rogers, Wickersham, Mmes. Pirsch, Rasmussen, and Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-fifth day was approved.

UNANIMOUS CONSENT - Member Excused

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LR 268, LR 271, LR 272, and LR 273.

MOTHER OF THE YEAR

Mr. Morrissey and Mrs. Crosby escorted Yvonne Dalluge, 1992 Nebraska Mother of the Year, to the rostrum.

RESOLUTIONS

LEGISLATIVE RESOLUTION 276. Read. Considered.

LR 276 was adopted with 27 ayes, 0 nays, and 22 not voting.

LEGISLATIVE RESOLUTION 277. Read. Considered.

LR 277 was adopted with 23 ayes, 0 nays, and 26 not voting.

LEGISLATIVE RESOLUTION 278. Read. Considered.

LR 278 was adopted with 25 ayes, 0 nays, and 24 not voting.

LEGISLATIVE RESOLUTION 280. Read. Considered.

Mr. Chambers asked unanimous consent to have his name added as cointroducer to LR 280. No objections. So ordered.

LR 280 was adopted with 26 ayes, 0 nays, and 23 not voting.

GENERAL FILE

LEGISLATIVE BILL 1022. Messrs. Conway and Hall offered the following amendment:

AM3590

1. Strike original sections 62 and 65.

2. On page 74, line 11, strike "-0-" and insert "25,000"; in line 13 strike "-0-" and insert "2,185"; in line 15 strike "-0-" and insert "27,185"; and in line 17 strike "-0-" and insert "24,767".

3. Renumber the remaining sections accordingly.

Mr. Moore offered the following amendment to the Conway-Hall pending amendment:
FA315

Amend the Conway-Hall amendment (AM3590) to LB 1022 by inserting the following new language:

"It is the intent of the Legislature that no General Funds be appropriated to Agency 43, State Athletic Commissioner, after Fiscal Year 1992-93"

The Moore amendment was adopted with 26 ayes, 3 nays, 8 present and not voting, and 12 excused and not voting.

The Conway-Hall amendment, as amended, was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Mr. Lamb renewed his pending amendment, AM3604, found in the Journal on page 1461.

MR. WARNER PRESIDING

Mr. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

PRESIDENT MOUL PRESIDING

Messrs. Schmit and Landis asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Cudaback moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Lamb requested a record vote on his amendment.

Voting in the affirmative, 2:

Johnson, R.
Lamb

Voting in the negative, 30:

Ashford
Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Byars
Chizek
Coordsen
Crosby
Cudaback
Hartnett
Hefner

Hillman
Horgan
Johnson, L.
Kristensen
Lynch
Moore
Morrissey
Nelson
Pirsch
Rasmussen
Robak
Schellpeper
Schimek
Schrock
Warner
Wehrbein
Wesely

Present and not voting, 8:

Abboud
Conway
Dierks
Elmer
Robinson
Rogers
Will
Withem

Excused and not voting, 9:

Chambers
Haberman
Hall
Labedz
Landis
Lindsay
Peterson
Schmit
Wickersham

The Lamb amendment lost with 2 ayes, 30 nays, 8 present and not voting, and 9 excused and not voting.

Advanced to E & R for review with 29 ayes, 1 nay, 10 present and not voting, and 9 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 289. Introduced by R. Johnson, 34.

PURPOSE: The purpose of this resolution is to identify and investigate the potential value the state would derive from (1) developing ground water and surface water supplies for transfer and sale to users within and outside the state and (2) purchasing existing water rights for transfer and sale to users within and outside the state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 349 in the Journal. No objections. So ordered.

AM2709

(Amendments to Standing Committee amendments, AM2456)

1. Insert the following new section:

"Sec. 4. That section 2-2609, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-2609. All authority vested in the director by virtue of the provisions of sections 2-2601 to 2-2611 may with like force and effect be executed by such employees of the Department of ~~Agriculture~~ Environmental Control as the director may from time to time designate for ~~said~~ such purpose.".

2. On page 6, line 7; page 12, line 3; page 17, line 21; and page 20, line 18, strike "Agriculture", show as stricken, and insert "Environmental Control".

3. On page 15, line 6; page 16, line 7; page 19, lines 18 and 22; page 21, lines 5 and 20; page 22, line 2; page 24, lines 1 and 11; and page 25, lines 8 and 21, strike "Agriculture" and insert "Environmental Control".

4. Renumber the remaining sections and correct internal references and the repealer accordingly.

Mr. Schmit asked unanimous consent to print the following amendment to LB 754 in the Journal. No objections. So ordered.

AM3587

1. Insert the following new sections:

"Section 1. (1) The proceeds derived from the sale of production from any well producing oil, gas, or related hydrocarbons in the State of Nebraska shall be paid to the person entitled thereto, except as provided in this section, commencing not later than six months after the first day of the month following the date of first sale and thereafter not later than sixty days after the end of the calendar month within which subsequent production is sold unless other periods or arrangements for the first and subsequent payments are provided for in a valid contract with the person entitled to such proceeds. Payment shall be made directly to the person entitled thereto by the lessee or operator or by any party who assumes such payment obligation under any legal arrangement.

(2) Payment shall be remitted to the person entitled to proceeds from production annually for the aggregate of up to twelve months accumulation of proceeds if the total amount owed is twenty-five dollars or less.

(3) A lessee or operator shall be exempt from the provisions of this section and the purchaser shall assume the operator's responsibilities for making such payments if the operator and purchaser have entered into arrangements by which the proceeds are paid by the purchaser to the person entitled thereto.

Sec. 2. Any delay in determining any person legally entitled to an interest in the proceeds from production shall not affect payments to all other persons entitled to payment. When payment cannot be made for any reason within the time limits specified in section 1 of this act, the lessee, operator, purchaser, or other party legally responsible for payment shall deposit the proceeds not paid within the time limits in an escrow account in a federally insured bank or savings and loan institution in Nebraska, using a standard escrow document form approved by the Attorney General, which deposit shall earn interest at the highest rate being offered by the institution for the amount and term of such deposit. The escrow agent may commingle money received into escrow from any one lessee, operator, purchaser, or other party legally responsible for payment. Payment of principal and accrued interest from such account shall be made by the escrow agent to the person legally entitled thereto within thirty days from the date of receipt by the escrow agent of final legal determination of entitlement thereto. Applicable escrow fees shall be deducted from the payment.

Sec. 3. (1) Any lessee, operator, purchaser, or other party legally responsible for payment who violates any provision of section 1 or 2 of this act shall be liable to the person entitled to the proceeds from production for the unpaid amount of such proceeds, plus interest at the rate of eighteen percent per annum on the unpaid principal balance from the due date specified in section 1 of this act.

(2) The district court for the county in which a well producing oil, gas, or related hydrocarbons is located shall have jurisdiction over all proceedings brought pursuant to sections 1 to 3 of this act, and the prevailing party in any such proceedings shall be entitled to recover all court costs and reasonable attorney's fees.".

Mrs. Labedz asked unanimous consent to print the following amendment to LB 339 in the Journal. No objections. So ordered.

AM3467

1. Insert the following new sections:

"Sec. 2. That section 37-1105, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-1105. The commission shall devise permits in two forms: Annual and temporary.

(1) The annual permit may be purchased by any person and shall be valid through December 31 of the year for which issued. The fee for the annual permit shall be ~~ten~~ fifteen dollars per permit.

(2) A temporary permit may be purchased by any person and shall be valid until noon of the day following the date of issue. The fee for the temporary permit shall be ~~two~~ three dollars. The commission may issue temporary permits which are either valid for any area or valid for a single area.

Sec. 3. That section 37-1107.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-1107.01. (1) In addition to the permits authorized in section 37-1105, the ~~Game and Parks Commission~~ commission shall design a duplicate annual permit which may be purchased for one-half the fee of an annual permit.

(2) The registered owner of two or more vehicles may purchase ~~a~~ one duplicate annual permit for each annual permit purchased. The duplicate annual permit shall be used on the purchaser's vehicles. A ~~for one of such vehicles per year. The~~ duplicate annual

permit may be purchased at any time during the year from ~~Game and Parks Commission~~ offices of the commission and designated commission-staffed areas, either by mail or in person, ~~. A duplicate annual permit may be obtained at any time during the year~~ upon proof of purchase of an annual permit in compliance with ~~Game and Parks Commission~~ rules and regulations of the commission. A permitholder who sells his or her vehicle to which a valid annual or duplicate permit has been attached may purchase a duplicate annual permit upon surrendering the original permit or a substantial portion of the permit.

(3) Fees from duplicate annual permits shall be subject to the provisions of section 37-1114.

Sec. 4. That section 37-1108, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-1108. The location and method of display of permits on motor vehicles shall be ~~as~~ prescribed by the commission. Permits shall be issued for sale in such type and design of gummed sticker that may be determined by the commission and may be procured at the central and district offices of the commission, at areas of the Nebraska state park system where commission offices are maintained, from self-service vending stations at designated park areas, from designated commission employees, from appropriate offices of county government, and from various private persons, firms, or corporations designated by the commission as permit vendors. Such county offices or private persons, firms, or corporations designated by the commission as permit vendors shall be entitled to collect and retain a fee of twenty-five cents for each permit as reimbursement for the clerical work of issuing the permits and remitting therefor.

Sec. 5. Sections 2 to 4 and 6 of this act shall become operative on January 1, 1993. The other sections of this act shall become operative on their effective date.

Sec. 6. That original sections 37-1105, 37-1107.01, and 37-1108, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

2. Underscore the original section.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of March 19, 1992. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Adams, Don & Associates	
Adams Jr., Donald - Lincoln	Nebraskans First, Inc.
Adams, Donald D. - Omaha	Nebraskans First, Inc.
Smith, Alvin Smith -	Nebraskans First, Inc.
White, Mary R. - Lincoln	Nebraska Chamber of Commerce & Industry

GENERAL FILE

LEGISLATIVE BILL 1268. Title read. Considered.

Mr. Warner renewed his pending amendment, AM3457, found in the Journal on page 1360.

The Warner amendment was adopted with 25 ayes, 1 nay, 15 present and not voting, and 8 excused and not voting.

The Wickersham amendment, AM3543, found in the Journal on page 1394, was withdrawn.

Advanced to E & R for review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 872. Placed on Select File as amended.
E & R amendment to LB 872:
AM5273

1. On page 1, line 2, strike "sections 39-669.12 and" and insert "section"; in line 6 after the first "to" insert "authorize law enforcement officers to"; and strike beginning with "to" in line 8 through

the semicolon in line 10.

2. On page 11, line 7, after "valid" insert an underscored comma; and in line 18 before "A" insert "(3)".

3. On page 12, line 2, strike "(3)" and insert "(4)".

4. On page 14, line 8, after "content" insert "of"; and in line 9 strike "a controlled substance" and insert "drugs"; and in line 10 strike the comma.

5. On page 19, line 13, strike "public".

LEGISLATIVE BILL 958. Placed on Select File as amended.
E & R amendment to LB 958:
AM5272

1. In the Standing Committee amendments, AM2930, on page 2, line 2, strike "6, after the comma" and insert "7, strike '39-6,103.06' and"; and in line 3 strike the second comma.

2. Strike beginning with "rules" on page 1, line 1, through page 2, line 2, and insert "motor vehicles; to amend sections 39-669.26, 39-6,103.05 to 39-6,103.08, 39-6,171, 60-311.15, 71-1907, and 79-488.07, Reissue Revised Statutes of Nebraska, 1943, and sections 39-602 and 39-6,103.01, Revised Statutes Supplement, 1990; to require the use of occupant protection systems; to define and redefine terms; to provide a penalty and an exception to the point system; to provide for enforcement and admissibility of evidence; to provide exceptions; to change provisions relating to transportation for child care and school children; to harmonize provisions; to provide an operative date; and to repeal the original sections.".

3. On page 16, line 10, after "to" insert "Federal".

4. On page 34, line 17, strike "an"; and in line 18 strike "system" and insert "systems".

5. On page 35, line 3, strike "he or she" and insert "the person".

6. On page 36, line 13, strike the comma.

7. On page 37, line 12, after "his" insert "or her".

8. On page 38, line 11, after "systems" insert "as defined in section 39-602".

9. On page 40, line 2, strike "operators of school buses", show as stricken, and insert "operator of a school bus"; and in line 3 after "system" insert "as defined in section 39-602".

LEGISLATIVE BILL 1057. Placed on Select File.

(Signed) Eric Will, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1272. Title read. Considered.

Standing Committee amendment, AM2728, found in the Journal on page 860, was considered.

Mr. Chizek asked unanimous consent to be excused until he returns. No objections. So ordered.

The Standing Committee amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Mr. Bernard-Stevens, Mmes. Rasmussen, and Crosby offered the following amendment:
AM3538

1. Strike original section 2 and insert the following new sections:

"Section 1. That section 77-27,132 Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-27,132. (1) There is hereby created a fund to be designated the Revenue Distribution Fund which shall be set apart and maintained by the Tax Commissioner. Revenue not required to be credited to the General Fund or any other specified fund may be credited to the Revenue Distribution Fund. Credits and refunds of such revenue shall be paid from the Revenue Distribution Fund. The balance of the amount credited, after credits and refunds, shall be allocated as provided by the statutes creating such revenue.

(2) The Tax Commissioner shall pay to a depository bank designated by the State Treasurer all amounts collected under the Nebraska Revenue Act of

1967. The Tax Commissioner shall present to the State Treasurer bank receipts showing amounts so deposited in the bank, and of the amounts so deposited the State Treasurer shall credit to the Highway Trust Fund all of the proceeds of the sales and use taxes derived from motor vehicles, trailers, and semitrailers through the effective date of this act. After such date, the State Treasurer shall credit to the Educational Excellence Fund an amount equal to the revenue generated by a sales and use tax rate of one percent on motor vehicles, trailers, and semitrailers and shall credit to the Highway Trust Fund the remaining revenue generated by the sales and use tax on motor vehicles, trailers, and semitrailers. The balance of the amounts so paid shall be credited to the General Fund.

Sec. 3. That section 79-3509.03, Revised Statutes Supplement, 1991, be amended to read as follows:

79-3509.03. No General Fund revenue raised pursuant to the increases in the income tax rate and sales tax rate provided in Laws 1990, LB 1059, shall be appropriated by the Legislature in support of the Help Education Lead to Prosperity Act.

Sec. 4. That original section 77-27,132, Reissue Revised Statutes of Nebraska, 1943, and sections 79-445 and 79-3509.03, Revised Statutes Supplement, 1991, are repealed.".

2. Renumber the remaining sections accordingly.

Mr. Warner requested a ruling of the Chair on whether the Bernard-Stevens et al. amendment is germane to the bill.

The Chair ruled the Bernard-Stevens et al. amendment is not germane to the bill.

Mr. Bernard-Stevens challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Bernard-Stevens moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. Bernard-Stevens requested a roll call vote on his motion to overrule the Chair.

Voting in the affirmative, 24:

Abboud
Bernard-Stevens
Bohlke
Byars
Chambers
Chizek
Conway
Crosby
Cudaback
Hall
Horgan
Landis
Lindsay
Lynch
Morrissey
Pirsch
Rasmussen
Robinson
Schimek
Schmit
Wesely
Wickersham
Will
Withem

Voting in the negative, 18:

Baack
Beyer
Coordsen
Dierks
Elmer
Hartnett
Hefner
Hillman
Johnson, L.
Kristensen
Lamb
Moore
Peterson
Rogers
Schellpeper
Schrock
Warner
Wehrbein

Present and not voting, 5:

Ashford
Beutler
Johnson, R.
Nelson
Robak

Excused and not voting, 2:

Haberman
Labedz

The Bernard-Stevens motion to overrule the Chair prevailed with 24 ayes, 18 nays, 5 present and not voting, and 2 excused and not voting.

The Chair was overruled.

The Chair declared the call raised.

The Bernard-Stevens et al. pending amendment, AM3538, was renewed.

Mr. Robinson offered the following amendment to the Bernard-Stevens et al. pending amendment:
FA316

Amend AM3538, Bernard-Stevens et al. amendment to LB 1272

On Page 1 strike lines 1 and 2 and insert "Strike all original sections and insert the following new sections:"

On Page 3 strike lines 1 and 2

Mr. Warner requested a ruling of the Chair on whether the Robinson amendment is germane to the Bernard-Stevens et al. amendment.

The Chair ruled the Robinson amendment is germane to the Bernard-Stevens et al. amendment.

Messrs. Peterson, Wehrbein, R. Johnson, Dierks, and Landis asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Wickersham asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Abboud moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Robinson moved for a call of the house. The motion prevailed with 16 ayes, 1 nay, and 32 not voting.

Mr. Robinson requested a roll call vote on his amendment.

Voting in the affirmative, 15:

Baack
Beutler
Bohlke
Byars
Chambers
Conway
Coordsen
Dierks
Hall
Lynch
Morrissey
Robinson
Schellpeper
Schmit
Schrock

Voting in the negative, 25:

Abboud
Ashford
Bernard-Stevens
Beyer
Crosby
Cudaback
Elmer
Hartnett
Hefner
Hillman
Johnson, L.
Kristensen
Lamb
Lindsay
Moore
Nelson
Pirsch
Rasmussen
Robak
Rogers
Schimek
Warner
Wesely
Will
Withem

Present and not voting, 2:

Chizek
Horgan

Excused and not voting, 7:

Haberman
Johnson, R.
Labedz
Landis
Peterson
Wehrbein
Wickersham

The Robinson amendment lost with 15 ayes, 25 nays, 2 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Mr. Bernard-Stevens offered the following amendment to the Bernard-Stevens et al. pending amendment:
AM3581

(Amendments to AM3538)

1. On page 2, strike beginning with "the" in line 3 through "date" in line 4 and insert "December 31, 1992. Commencing January 1, 1993".

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER BAACK PRESIDING

PRESIDENT MOUL PRESIDING

The Bernard-Stevens amendment was adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 290. Introduced by Conway, 17; Schimek, 27; Coordsen, 32; Withem, 14; Bohlke, 33; Robak, 22; Lindsay, 9; Schrock, 39.

PURPOSE: The purpose of this resolution is to examine the need for amending the statutes relating to public records, specifically those statutes relating to confidentiality. Legislative Bill 1073, Ninety-second Legislature, Second Session, was introduced primarily on behalf of the Nebraska State Historical Society.

A recent court case, Nebraska State Historical Society v. Pawnee Tribe of Oklahoma, determined that the files maintained by the historical society revealing the location of archeological sites and the names and addresses of donors were open to public inspection under sections 84-712 to 84-712.09.

Concerns have been raised that allowing unrestricted public access to records kept by public institutions which reveal the location of archeological sites could threaten damage to or the destruction of the sites by vandals, thieves, and amateur excavators.

The study shall include a review of the testimony from the hearing on LB 1073, the implications and impact of the Unmarked Human Burial Sites and Skeletal Remains Protection Act, the implications and impact of the federal Native American Graves Protection and Repatriation Act, input from all interested parties, and any other issues necessary to conduct the study.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 291. Introduced by Hefner, 19.

WHEREAS, 1992 marks the one hundredth anniversary of the City of Crofton; and

WHEREAS, Crofton has been, is, and will continue to be an outstanding community in which to live as is evidenced by its proud heritage and accomplishments; and

WHEREAS, Crofton contributes to the good life enjoyed by all Nebraskans through its rich contributions to agriculture and recreation; and

WHEREAS, the residents of the Crofton community are a forward-looking people as is evidenced by the construction of a new high school this year; and

WHEREAS, the residents of the Crofton community are deserving of special recognition during their centennial celebration which occurs July 3, 4, and 5, 1992.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature recognizes and commends the City of Crofton for its centennial and congratulates and extends its best wishes to that community.
2. That a copy of this resolution be sent to the City of Crofton.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Lynch asked unanimous consent to print the following amendment to LB 958 in the Journal. No objections. So ordered.

AM3608

1. On page 34, line 6, strike "twenty-five", show as stricken, and insert "fifty".

ATTORNEY GENERAL'S OPINION

Opinion No. 92047

DATE: March 18, 1992

SUBJECT: Constitutionality of subsections 11 and 13 of section 4 of the Proposed Amendments to LB514

REQUESTED BY: Honorable Senator Don Wesely

WRITTEN BY: Don Stenberg, Attorney General
Melanie J. Whittamore-Mantzios,
Assistant Attorney General

You have requested an opinion regarding the Constitutionality of subsections 11 and 13 of section 4 of the proposed amendments to LB514. We have come to the conclusion that both subsections 11 and 13 of section 4 of the proposed amendments of LB514 would constitute an unconstitutional delegation of legislative authority to the Department of Health.

The Nebraska Supreme Court has said "{i}t is fundamental that the legislature may not delegate legislative power to an administrative or executive authority." Lincoln Dairy Co. v. Finigan, 170 Neb. 777, 780, 104 N.W.2d 227, 230 (1960). Legislative authority is the power to make laws. The Nebraska Constitution categorically denies the power to make laws to any person or collection of persons belonging to the executive or judicial departments. Neb. Const. art. II § 1. The Department of Health is an administrative agency in the executive department and therefore cannot pass laws.

The Nebraska Supreme Court has held as follows:

> The exercise of a legislatively delegated authority to make rules and regulations to carry out an expressed legislative purpose, or for the complete operation or enforcement of a law with clearly designated limitations and standards, is not an exercise of legislative power . . . Such standards in conferring discretionary power upon an administrative agency must be reasonably adequate, sufficient and definite for the guidance of the agency in the exercise of the power conferred upon it . . .

Bosselman, Inc. v. State, 230 Neb. 471, 477, 432 N.W.2d 226, 230 (1988).

The issue to be addressed is whether the proposed amendments to LB514 have given clearly designated limitations and standards that are reasonably adequate, sufficient and definite for the guidance of the Department of Health in promulgating rules and regulations to carry out the legislative purpose. Subsection 11 of section 4 of the proposed amendments to LB514 provide that the Department of Health upon the recommendation of the Board of Examiners in Pharmacy shall adopt and promulgate rules and regulations: "To establish minimum standards for written control procedures and guidelines governing the training, functions and qualifications of supportive pharmacy personnel." Nothing in the language of subsection 11 provides the Department of Health with any standards within which to exercise its discretion. In fact, the language of this section suggests that the Department may exercise total discretion to set minimum standards.

The term "written control procedures and guidelines" is not defined in the proposed amendments to LB514. Each pharmacy that employs supportive pharmacy personnel is to develop written control procedures and guidelines prior to instituting the use of supportive pharmacy personnel. Proposed Amendments to LB514, § 6(3). The written control procedures and guidelines are to govern the functions of supportive pharmacy personnel. Proposed Amendments to LB514, § 6(2).

The proposed amendments to LB514 do not address what type of training or qualification is required for supportive pharmacy personnel. The proposed amendments to LB514 appear to leave it up to the individual pharmacies to determine what the qualifications and training will be for supportive pharmacy personnel with the approval of the Board of Examiners in Pharmacy. Proposed Amendments to LB514, § 6(2) and (3).

There is some standard indicated for the functions of supportive pharmacy personnel. "Supportive pharmacy personnel may perform routine functions to assist a pharmacist in connection with the preparation, compounding, dispensing, and distribution of drugs under the supervision of a licensed pharmacist on duty in the facility when such functions do not require the use of professional judgment and are subject to verification." Proposed Amendments to LB514, § 2(23).

Subsection 11 fails to give adequate, sufficient and definite standards for the guidance of the Department of Health in promulgating rules and regulations. The proposed amendments to LB514 do not give any limitations or standards regarding what the qualification and training requirements are for supportive pharmacy personnel or a clear definition of what is meant by "written control procedures and guidelines." Subsection 11 would constitute an unconstitutional delegation of legislative authority to an administrative agency.

Subsection 13 of section 4 of the proposed amendments to LB514 provides that the Department of Health, upon the recommendation of the Board of Examiners in pharmacy shall adopt and promulgate rules and regulations:

> To establish a central state record of supportive pharmacy personnel including names, employing pharmacies, the length of employment, including hiring and termination, of individuals, and other data deemed pertinent and relevant, to require employing pharmacies to provide such information, and to provide the penalties for failure to comply . . .

(Emphasis added). Subsection 13 does not specify if the penalties are to be civil or criminal in nature. The fact that subsection 13 fails to note whether the penalties are to be civil or criminal in nature is indicative that the proposed amendments fail to set limitations and standards for the Department of Health to follow in promulgating rules and regulations.

The legislature under no circumstances may delegate its power to prescribe punishment for criminal offenses. Lincoln Dairy Co. v. Finigan, 170 Neb. 777, 784, 104 N.W.2d 227, 232 (1960). The legislature cannot delegate its authority to declare what constitutes a crime. State v. Cutright, 193 Neb. 303, 226 N.W.2d 771, 773 (1975).

Subsection 13 would also constitute an unconstitutional delegation of legislative authority to the Department of Health.

Sincerely,
DON STENBERG
Attorney General
(Signed) Melanie J. Whittamore-Mantzios
Assistant Attorney General

36-006.10

GENERAL FILE

LEGISLATIVE BILL 1272. Mr. Lamb offered the following amendment to the Bernard-Stevens et al. pending amendment:
FA317

(Amendments to AM3538)

1. On page 2, line 8, after "semitrailers" insert ", except that for FY1992-93 only, the State Treasurer shall credit an amount equal to five million dollars to the Light-Density Rail Line Assistance Cash Fund, and reduce the transfer to the Educational Excellence Fund by five million dollars.".

2. "There is hereby appropriated $5,000,000 from the Light-Density Rail Line Assistance Cash Fund for FY1992-93 to the Railway Council for Program 185, to aid in carrying out the provisions of LB 1272."

Mr. Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Kristensen moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Mr. Lamb moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Mr. Lamb requested a roll call vote on his amendment.

Voting in the affirmative, 15:

Chambers
Cudaback
Dierks
Elmer
Hefner
Hillman
Johnson, L.
Lamb
Lynch
Peterson
Pirsch
Robinson
Schellpeper
Schmit
Schrock

Voting in the negative, 25:

Abboud
Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Byars
Chizek
Conway
Crosby
Hall
Hartnett
Horgan
Landis
Lindsay
Moore
Morrissey
Nelson
Rasmussen
Rogers
Schimek
Warner
Wesely
Will
Withem

Present and not voting, 5:

Ashford
Coordsen
Johnson, R.
Kristensen
Robak

Excused and not voting, 4:

Haberman
Labedz
Wehrbein
Wickersham

The Lamb amendment lost with 15 ayes, 25 nays, 5 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

The Bernard-Stevens et al. pending amendment, AM3538, as amended, was considered.

Mr. Lynch moved the previous question. The question is, "Shall the debate now close?"

Mr. Bernard-Stevens moved for a call of the house. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

The motion to cease debate prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Moore requested a record vote on the Bernard-Stevens et al. amendment, as amended.

Voting in the affirmative, 28:

Abboud
Ashford
Bernard-Stevens
Beutler
Bohlke
Chambers
Chizek
Conway
Crosby
Haberman
Hall
Hartnett
Horgan
Johnson, R.
Landis
Lindsay
Lynch
Morrissey
Pirsch
Rasmussen
Robak
Robinson
Schimek
Schmit
Schrock
Wesely
Will
Withem

Voting in the negative, 18:

Baack
Beyer
Byars
Coordsen
Cudaback
Dierks
Elmer
Hefner
Hillman
Johnson, L.
Kristensen
Lamb
Moore
Nelson
Peterson
Rogers
Schellpeper
Warner

Excused and not voting, 3:

Labedz Wehrbein Wickersham

The Bernard-Stevens et al. amendment, as amended, was adopted with 28 ayes, 18 nays, and 3 excused and not voting.

Pending.

The Chair declared the call raised.

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 1019 in the Journal. No objections. So ordered.

AM3531

(Amendments to Standing Committee amendment, AM2816)

1. Insert the following new sections:

"Sec. 37. That section 71-161.09, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-161.09. The board of examiners for any profession or occupation licensed or certified by the ~~Department of Health~~ department pursuant to Chapter 71, with the approval of the ~~Department of Health~~ department, may adopt and promulgate, by rules and regulations, standards of relicensure and recertification for each Nebraska-licensed and Nebraska-certified practitioner of such profession or occupation in active practice within the State of Nebraska. Such regulations ~~, which~~ may include the ~~requirement to attend a~~ prescribed number of hours~~,~~ which are to be attained biennially~~, of such~~ for receiving information presented by or in the form of ~~approved~~ board-approved scientific schools, clinics, forums, lectures, courses of study, home study courses, or educational seminars relating to the practice of such profession or occupation~~, and shall require, as may be set forth by such rules and regulations for the profession or occupation concerned and approved by the department, such standards as a prerequisite for the licensee's or certificate holder's next subsequent license or certificate renewal~~ and held within or outside the state. The board ~~of examiners~~ and the

~~Department of Health~~ department shall consult with the appropriate professional academies, professional societies, and professional associations in the development of such standards. The purpose of any such action by such board shall be to the end that the utilization and application of new techniques, scientific and clinical advances, and the achievements of research will assure expansive and comprehensive service to the public. The number of hours that may be required shall be prescribed by the board in such rules and regulations for any calendar year. ~~Attendance shall be at a scientific school, clinic, forum, lecture, course of study, or educational seminar approved by the board which may be held either within or outside the state.~~ In no instance may the board require a greater number of hours of approved scientific schools, clinics, forums, lectures, courses of study, or educational seminars than are available at approved scientific schools, clinics, forums, lectures, courses of study, or educational seminars held within the State of Nebraska.

Sec. 39. That section 71-1,103, Revised Statutes Supplement, 1991, be amended to read as follows:

71-1,103. The following classes of persons shall not be construed to be engaged in the unauthorized practice of medicine:

(1) Persons rendering gratuitous services in cases of emergency;

(2) Persons administering ordinary household remedies;

(3) The members of any church practicing its religious tenets, except that they shall not prescribe or administer drugs or medicines, perform surgical or physical operations, nor assume the title of or hold themselves out to be physicians or surgeons, and such members shall not be exempt from the quarantine laws of this state;

(4) Students of medicine and surgery who are studying in an accredited school or college of medicine and who gratuitously prescribe for and treat disease under the supervision of a licensed physician;

(5) Physicians and surgeons of the United States Armed Forces or Public Health Service or United

States Department of Veterans Affairs when acting in the line of such duty in this state;

(6) Physicians and surgeons who are graduates of an accredited school or college of medicine with the degree of Doctor of Medicine and licensed in another state when incidentally called into this state for consultation with a physician and surgeon licensed in this state;

(7) Physicians and surgeons who are graduates of an accredited school or college of medicine with the degree of Doctor of Medicine and who reside in a state bordering this state and who are duly licensed under the laws thereof to practice medicine and surgery but who do not open an office or maintain or appoint a place to meet patients or to receive calls within this state;

(8) Persons providing or instructing as to use of braces, prosthetic appliances, crutches, contact lenses, and other lenses and devices prescribed by a doctor of medicine licensed to practice while working under the direction of such physician;

(9) Dentists practicing their profession when licensed and practicing in accordance with sections 71-183 to 71-191;

(10) Optometrists practicing their profession when licensed and practicing under and in accordance with sections 71-1,133 to 71-1,136;

(11) Osteopathic physicians practicing their profession if licensed and practicing under and in accordance with sections 71-1,137 and 71-1,141;

(12) Chiropractors practicing their profession if licensed and practicing under sections 71-177 to 71-182;

(13) Podiatrists practicing their profession when licensed and practicing under and in accordance with sections 71-173 to 71-176;

(14) Any person licensed or certified under the laws of this state to practice a limited field of the healing art, not specifically named in this section, when confining themselves strictly to the field for which they are licensed or certified, not assuming the title of physician, surgeon, or physician and surgeon, and not professing or holding themselves out as qualified to prescribe drugs in any form or to perform

operative surgery; ~~and~~

(15) Physicians and surgeons who are duly licensed to practice medicine and surgery in another state who have been recommended by the secretary of the board of examiners in the state of licensure and who have been granted temporary practice rights by the Board of Examiners in Medicine and Surgery, with the approval of the Department of Health, for a period not to exceed three months in any twelve-month period.

Every act or practice falling within the practice of medicine and surgery as defined not specially excepted in this section shall constitute the practice of medicine and surgery and may be performed in this state only by those licensed by law to practice medicine in Nebraska; and

(16) Persons obtaining blood specimens while working under an order of or protocols and procedures approved by a physician, registered nurse, or other independent health care practitioner licensed to practice by the state if the scope of practice of that practitioner permits the practitioner to obtain blood specimens.

Sec. 43. That section 71-605.02, Revised Statutes Supplement, 1991, be amended to read as follows:

71-605.02. The Department of Health shall preserve permanently and index all such certificates and shall charge and collect in advance the fee prescribed in section 71-612, to be paid by the applicant for each certified copy supplied to the applicant or ~~each~~ for any search made at the applicant's request for ~~any such record~~ access to or a certified copy of any record, whether or not the record is found on file with the department. All fees so collected shall be remitted to the State Treasurer for credit to the Department of Health Cash Fund as provided in section 71-612.

Sec. 46. To protect the integrity of vital records and to prevent the fraudulent use of birth certificates of deceased persons, the department is authorized to match birth and death certificates and to post the facts of death to the appropriate birth certificate. To assist in the matching process, the department is authorized to enter into agreements with offices of vital records outside the state to exchange the birth or death records or reports of each state's citizens. Copies of birth certificates issued of deceased persons shall be marked deceased.

The department may also maintain applications for viewing vital records and match the same against requests for certified copies or adopt such other security measures as may serve to identify requests to view vital records made for unlawful or fraudulent purposes.

Sec. 47. Information required in certificates or reports authorized by sections 71-605.02 and 71-612 and section 46 of this act may be filed and registered by electronic or other means if authorized by the department and as prescribed by department regulation.

Sec. 48. That section 71-614, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-614. (1) On or before the fifth day of each month, the county clerk of each county shall return to the Department of Health upon suitable blank forms, to be provided by the department, a statement of all marriages recorded by him or her during the preceding calendar month. If no marriages were performed in the county during the preceding month, a card furnished by the department indicating such information shall be submitted on or before the fifth day of each month to the department. Upon neglect or refusal to make such returns, such county clerk shall, for each such neglect or refusal, forfeit and pay the sum of twenty-five dollars for the use of the proper county, to be collected as debts of like amount are now collectible.

(2) As soon as possible after completion of an amendment to a marriage license by the Bureau of Vital Statistics of the Department of Health, the department shall forward a noncertified copy of the marriage license reflecting the amendment to the county clerk of the county in which the license was filed. Upon receipt of the amended copy, the county clerk shall make the necessary changes on the marriage license on file in his or her office to reflect the amendment.".

2. On page 1, line 13, after the period insert "The department shall supply a copy of a public

vital record for viewing purposes at its office upon an application signed by the applicant and upon proof of the identity of the applicant. The application may include the name, address, and telephone number of the applicant, purpose for viewing each record, and such other information as may be prescribed by the department by rules and regulations to protect the integrity of vital records and prevent their fraudulent use."; in line 14 strike "and (6)", show as stricken, and insert ", (6), and (7)"; and in line 18 after "for" insert "access to or a certified copy of" and strike "such" and show as stricken.

3. On page 3, after line 17, insert the following new subsection:

"(6) The department may permit use of data from vital records for statistical or research purposes under section 71-602 or disclose data from certificates or records to federal, state, county, or municipal agencies of government for use in administration of their official duties and charge and collect a fee that will recover the department's cost of production of the data. The department may provide access to public vital records for viewing purposes by electronic means, if available, under such security provisions as shall assure the integrity and security of the records and data base and shall charge and collect a fee that shall recover the department's costs."; in line 18 strike "(6)", show as stricken, and insert "(7)"; and in line 22 after "for" insert "access to or a certified copy of".

4. On page 17, line 23 strike beginning with "7" through the second quotation mark and insert "8, before '71-628' insert '71-614,' ".

5. On page 18, line 4, before "71-612" insert "71-1,103, 71-605.02,".

6. Renumber the remaining sections and correct internal references accordingly.

Mr. Wesely asked unanimous consent to print the following amendment to LB 1019 in the Journal. No objections. So ordered.

AM3532

1. Insert the following new sections:

"Sec. 37. That section 71-161.09, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-161.09. The board of examiners for any profession or occupation licensed or certified by the ~~Department of Health~~ department pursuant to Chapter 71, with the approval of the ~~Department of Health~~ department, may adopt and promulgate, by rules and regulations, standards of relicensure and recertification for each Nebraska-licensed and Nebraska-certified practitioner of such profession or occupation in active practice within the State of Nebraska. Such regulations ~~, which~~ may include the ~~requirement to attend a~~ prescribed number of hours~~,~~ which are to be attained biennially~~, of such~~ for receiving information presented by or in the form of board-approved ~~approved~~ scientific schools, clinics, forums, lectures, courses of study, home study courses, or educational seminars relating to the practice of such profession or occupation~~, and shall require, as may be set forth by such rules and regulations for the profession or occupation concerned and approved by the department, such standards as a prerequisite for the licensee's or certificate holder's next subsequent license or certificate renewal~~ and held within or outside the state. The board ~~of examiners~~ and the ~~Department of Health~~ department shall consult with the appropriate professional academies, professional societies, and professional associations in the development of such standards. The purpose of any such action by such board shall be to the end that the utilization and application of new techniques, scientific and clinical advances, and the achievements of research will assure expansive and comprehensive service to the public. The number of hours that may be required shall be prescribed by the board in such rules and regulations for any calendar year. ~~Attendance shall be at a scientific school, clinic, forum, lecture, course of study, or educational seminar approved by the board which may be held either within or outside the state.~~ In no instance may the board require a greater number of hours of approved scientific schools, clinics, forums, lectures, courses of study, or educational seminars than are available at approved scientific schools, clinics, forums, lectures, courses of study, or educational seminars held within the State of Nebraska.

Sec. 39. That section 71-1,103, Revised Statutes Supplement, 1991, be amended to read as follows:

71-1,103. The following classes of persons shall not be construed to be engaged in the unauthorized practice of medicine:

(1) Persons rendering gratuitous services in cases of emergency;

(2) Persons administering ordinary household remedies;

(3) The members of any church practicing its religious tenets, except that they shall not prescribe or administer drugs or medicines, perform surgical or physical operations, nor assume the title of or hold themselves out to be physicians or surgeons, and such members shall not be exempt from the quarantine laws of this state;

(4) Students of medicine and surgery who are studying in an accredited school or college of medicine and who gratuitously prescribe for and treat disease under the supervision of a licensed physician;

(5) Physicians and surgeons of the United States Armed Forces or Public Health Service or United States Department of Veterans Affairs when acting in the line of such duty in this state;

(6) Physicians and surgeons who are graduates of an accredited school or college of medicine with the degree of Doctor of Medicine and licensed in another state when incidentally called into this state for consultation with a physician and surgeon licensed in this state;

(7) Physicians and surgeons who are graduates of an accredited school or college of medicine with the degree of Doctor of Medicine and who reside in a state bordering this state and who are duly licensed under the laws thereof to practice medicine and surgery but who do not open an office or maintain or appoint a place to meet patients or to receive calls within this state;

(8) Persons providing or instructing as to use of braces, prosthetic appliances, crutches, contact

lenses, and other lenses and devices prescribed by a doctor of medicine licensed to practice while working under the direction of such physician;

(9) Dentists practicing their profession when licensed and practicing in accordance with sections 71-183 to 71-191;

(10) Optometrists practicing their profession when licensed and practicing under and in accordance with sections 71-1,133 to 71-1,136;

(11) Osteopathic physicians practicing their profession if licensed and practicing under and in accordance with sections 71-1,137 and 71-1,141;

(12) Chiropractors practicing their profession if licensed and practicing under sections 71-177 to 71-182;

(13) Podiatrists practicing their profession when licensed and practicing under and in accordance with sections 71-173 to 71-176;

(14) Any person licensed or certified under the laws of this state to practice a limited field of the healing art, not specifically named in this section, when confining themselves strictly to the field for which they are licensed or certified, not assuming the title of physician, surgeon, or physician and surgeon, and not professing or holding themselves out as qualified to prescribe drugs in any form or to perform operative surgery; ~~and~~

(15) Physicians and surgeons who are duly licensed to practice medicine and surgery in another state who have been recommended by the secretary of the board of examiners in the state of licensure and who have been granted temporary practice rights by the Board of Examiners in Medicine and Surgery, with the approval of the Department of Health, for a period not to exceed three months in any twelve-month period.

Every act or practice falling within the practice of medicine and surgery as defined not specially excepted in this section shall constitute the practice of medicine and surgery and may be performed in this state only by those licensed by law to practice medicine in Nebraska; and

(16) Persons obtaining blood specimens while working under an order of or protocols and procedures

approved by a physician, registered nurse, or other independent health care practitioner licensed to practice by the state if the scope of practice of that practitioner permits the practitioner to obtain blood specimens.

Sec. 43. That section 71-605.02, Revised Statutes Supplement, 1991, be amended to read as follows:

71-605.02. The Department of Health shall preserve permanently and index all such certificates and shall charge and collect in advance the fee prescribed in section 71-612, to be paid by the applicant for each certified copy supplied to the applicant or ~~each~~ for any search made at the applicant's request for ~~any such record~~ access to or a certified copy of any record, whether or not the record is found on file with the department. All fees so collected shall be remitted to the State Treasurer for credit to the Department of Health Cash Fund as provided in section 71-612.

Sec. 46. To protect the integrity of vital records and to prevent the fraudulent use of birth certificates of deceased persons, the department is authorized to match birth and death certificates and to post the facts of death to the appropriate birth certificate. To assist in the matching process, the department is authorized to enter into agreements with offices of vital records outside the state to exchange the birth or death records or reports of each state's citizens. Copies of birth certificates issued of deceased persons shall be marked deceased.

The department may also maintain applications for viewing vital records and match the same against requests for certified copies or adopt such other security measures as may serve to identify requests to view vital records made for unlawful or fraudulent purposes.

Sec. 47. Information required in certificates or reports authorized by sections 71-605.02, 71-612, and section 46 of this act may be filed and registered by electronic or other means if authorized by the department and as prescribed by department regulation.

Sec. 48. That section 71-614, Reissue Revised Statutes of Nebraska, 1943, be amended to read as

follows:

71-614. (1) On or before the fifth day of each month, the county clerk of each county shall return to the Department of Health upon suitable blank forms, to be provided by the department, a statement of all marriages recorded by him or her during the preceding calendar month. If no marriages were performed in the county during the preceding month, a card furnished by the department indicating such information shall be submitted on or before the fifth day of each month to the department. Upon neglect or refusal to make such returns, such county clerk shall, for each such neglect or refusal, forfeit and pay the sum of twenty-five dollars for the use of the proper county, to be collected as debts of like amount are now collectible.

(2) As soon as possible after completion of an amendment to a marriage license by the Bureau of Vital Statistics of the Department of Health, the department shall forward a noncertified copy of the marriage license reflecting the amendment to the county clerk of the county in which the license was filed. Upon receipt of the amended copy, the county clerk shall make the necessary changes on the marriage license on file in his or her office to reflect the amendment.".

2. In the Standing Committee amendments, AM2816:

a. On page 1, line 13, after the period insert "The department shall supply a copy of a public vital record for viewing purposes at its office upon an application signed by the applicant and upon proof of the identity of the applicant. The application may include the name, address, and telephone number of the applicant, purpose for viewing each record, and such other information as may be prescribed by the department by rules and regulations to protect the integrity of vital records and prevent their fraudulent use."; in line 14 strike "and (6)", show as stricken, and insert ", (6), and (7)"; and in line 18 after "for" insert "access to or a certified copy of" and strike "such" and show as stricken;

b. On page 3, after line 17, insert the following new subsection:

"(6) The department may permit use of data from vital records for statistical or research purposes under section 71-602 or disclose data from certificates or records to federal, state, county, or municipal agencies of government for use in administration of their official duties and charge and collect a fee that will recover the department's cost of production of the data. The department may provide access to public vital records for viewing purposes by electronic means, if available, under such security provisions as shall assure the integrity and security of the records and data base and shall charge and collect a fee that shall recover the department's costs."; in line 18 strike "(6)", show as stricken, and insert "(7)"; and in line 22 after "for" insert "access to or a certified copy of";

c. On page 17, line 23, strike beginning with "7" through the second quotation mark and insert "8, before '71-628' insert '71-614,' "; and

d. On page 18, line 4, before "71-612" insert "71-1,103, 71-605.02,".

3. Renumber the remaining sections and correct internal references accordingly.

Messrs. Wesely and Morrissey asked unanimous consent to print the following amendment to LB 1138 in the Journal. No objections. So ordered.

AM3576

(Amendments to Standing Committee amendments, AM2788)

1. On page 32, strike beginning with "from" in line 19 through "months" in line 21, show as stricken, and insert "issued within one year preceding his or her application by an organization approved by the division".

2. On page 49, lines 5 and 6 and 18 and 19, strike "who is a physician"; and in lines 5 and 18 before the second "medical" insert "physician".

3. On page 51, line 21, before "and" insert ", emergency medical technicians-IV, or emergency medical technicians-AM"; and in line 22 strike "emergency medical technician-A/D", show as stricken, and insert "their".

4. On page 52, lines 6 and 20; page 70, line

14; page 71, lines 1 and 14; page 75, line 6; page 79, lines 6 and 18; page 80, line 7; page 84, line 6; and page 87, lines 15 and 20, before "medical" insert "physician".

5. On page 54, lines 15 and 24; and page 56, line 11, after "Transportation" insert "One Hundred and Ten" and reinstate the stricken "Hour".

6. On page 55, strike beginning with "prescribe" in line 15 through "and" in line 16; and in line 18 after "of" insert "ambulance attendant" and strike "staffing" and insert "instructor certification".

7. On page 70, line 23; and page 79, line 16, strike "six" and insert "three".

8. On page 71, line 1, after "test" insert ", which responsibility cannot be delegated by the physician medical director,"; and in lines 6 and 7 strike "understanding of the operation" and insert "skill in the use".

9. On page 72, line 15, after "shall" insert "develop a model protocol, shall"; and in line 21 after "administration" insert ", shall establish minimum standards for emergency medical technician-AM protocols and recertification, and shall establish minimum standards for the equipment and procedures, including at a minimum standards for infection control, patient care, and record keeping".

10. On page 75, line 6, strike "who shall be a licensed physician".

11. On page 79, line 18, after "test" insert ", which responsibility cannot be delegated by the physician medical director,"; and in line 23 strike "understanding of" and insert "skill in".

12. On page 81, line 9, after "shall" insert "develop a model protocol, shall"; and in line 16 after "administration" insert ", shall establish minimum standards for emergency medical technician-IV protocols and recertification, including standards for practice in the insertion and maintenance of an intravenous line, and shall establish minimum standards for the equipment and procedures, including at a minimum standards for infection control, patient care, and record keeping".

13. On page 84, line 6, strike "who shall be a licensed physician".

Mr. Wesely asked unanimous consent to print the following amendment to LB 1138 in the Journal. No objections. So ordered.

AM3521

(Amendments to Standing Committee amendments, AM2788)

1. Strike original sections 27 and 78.

2. On page 2, line 6, after "technicians" insert ", including cardiopulmonary resuscitation and the use of oxygen, syrup of ipecac, pharyngeal airways, and pneumatic antishock garments, and"; and strike beginning with "Basic" in line 8 through the period in line 12.

3. On page 3, line 3, strike "emergency" and insert "life support"; and in line 4 strike "treatment".

4. On page 5, line 15, after "present" insert "(a)" and strike "(a)"; in line 19 strike "and" and insert "or"; in line 20 after "certification" insert "of such continuing education"; and strike beginning with the second "or" in line 22 through "organization" in line 24.

5. On page 29, lines 11 and 14, before "or" insert "to be an emergency medical technician-A/D"; in line 12 after "act" insert "to be a first responder-A/D"; in line 15 after "course" insert "to be a first responder-A/D"; and in line 24 strike "licensed" and show as stricken.

6. On page 32, strike beginning with "from" in line 19 through "months" in line 21, show as stricken, and insert "issued within one year preceding his or her application by an organization approved by the division".

7. On page 37, line 1, strike the first "or", show as stricken, and insert an underscored comma and before "fitness" insert ", or instructor's".

8. On page 38, line 11, strike "applicant", show as stricken, and insert "service"; and in line 13 after "of" insert "proposed".

9. On page 42, line 2; page 44, lines 14 and 21; page 60, lines 19 and 20; page 64, line 14; page 65, line 16; page 66, line 9; page 68, lines 7 and 8 and 19; page 69, line 10; page 88, line 10; and page 91, line 1, strike "58 to 82" and insert "57 to 80".

10. On page 46, strike beginning with "Catheter" in line 20 through "(10)" in line 22.

11. On page 47, line 1, strike "(11)" and insert "(10)"; in line 8 strike "(12)" and insert "(11)"; in line 11 strike "(13)" and insert "(12)"; in line 15 strike "(14)" and insert "(13)"; in line 17 strike "(15)" and insert "(14)"; strike lines 19 and 20; in line 21 strike "(17)" and insert "(15)"; and in line 23 strike "(18)" and insert "(16)".

12. On page 48, line 5, strike "(19)" and insert "(17)"; in line 13 strike "(20)" and insert "(18)"; and in line 19 strike "(21)" and insert "(19)".

13. On page 49, line 2, strike "(22)" and insert "(20)"; in line 8 strike "(23)" and insert "(21)"; in line 15 strike "(24)" and insert "(22)"; and in line 22 strike "(25)" and insert "(23)".

14. On page 50, line 4, strike "(26)" and insert "(24)"; strike lines 6 through 8; in line 9 strike "(28)" and insert "(25)"; in line 12 strike "(29)" and insert "(26)"; strike lines 13 through 17; in line 18 strike "(31)" and insert "(27)"; and strike lines 21 through 24.

15. On page 51, strike line 1; in line 2 strike "(33)" and insert "(28)"; in line 5 strike "(34)" and insert "(29)"; in line 7 strike "(35)" and insert "(30)"; in line 10 strike "(36)" and insert:

"(31) Peripheral intravenous therapy shall mean infusion of fluid other than blood or blood products into the vascular system to establish and maintain access to the circulation or to provide fluids in order to maintain an adequate circulatory blood volume;

(32)"; in line 17 strike "(37)" and insert "(33)"; and in line 24 strike "(38)" and insert "(34)".

16. On page 52, line 2, strike "or", show as stricken, and insert an underscored comma and after the second "service" insert ", emergency medical technician-AM service, or emergency medical technician-IV service"; in line 5 strike "(39)" and insert "(35)"; in line 10 strike "(40)" and insert "(36)"; in line 14 strike "(41)" and insert "(37)"; in line 19 strike "(42)" and insert "(38)"; and in line 22 strike "(43)" and insert "(39)".

17. On page 53, line 1, strike "(44)" and insert "(40)".

18. On page 55, line 4, strike "and" and insert "or".

19. On page 59, line 13, strike the new matter.

20. On page 60, line 1, strike "81 and 82" and insert "79 and 80".

21. On page 61, line 23, after "administering" insert "the First Responders Emergency Rescue Act and"; and in line 24 strike "58" and insert "57".

22. On page 62, line 1, strike "82" and insert "80"; in line 2 after "department" insert "under such act and sections"; in line 3 strike "twelve", show as stricken, and insert "thirteen"; and in line 10 after the comma insert "one of whom shall be a first responder,".

23. On page 64, line 1, after the period insert "The term of the member initially appointed to represent first responders shall expire in 1995."; and in line 2 after the period insert:

"The members who represent volunteer ambulance services on the effective date of this act shall serve for the remainder of their terms. The members appointed to serve terms beginning in 1992 shall be from the first and second congressional districts. The members appointed to represent volunteer ambulance services with terms beginning in 1993 shall be from the second and third congressional districts, and such members with terms beginning in 1994 shall be appointed from the first and third congressional districts." and before "No" insert paragraphing.

24. On page 70, line 15, strike "a licensed" and insert "an".

25. On page 74, line 17, strike "63" and insert "62"; and in line 23 strike "64" and all amendments thereto and insert "62".

26. On page 76, line 16, strike "65" and insert "64".

27. On page 77, line 18, strike "82" and all amendments thereto and insert "79".

28. On page 78, line 2, strike "or" and

insert "to be an emergency medical technician-AM or emergency medical technician-IV examination to be an emergency medical technician-IV or a"; and in line 13 strike "63" and insert "62".

29. On page 79, line 7, strike "a licensed" and insert "an"; and strike "and" and insert "or".

30. On page 83, lines 17 and 23; and page 87, line 8, strike "74" and insert "73".

31. On page 85, line 1, strike "Ability" and insert "Procedures"; and in line 11 strike "76" and insert "75".

32. On page 86, line 13, strike "81" and insert "79".

33. On page 89, line 23, strike "or" and insert an underscored comma; and in line 24 before "fitness" insert ", or instructor's".

34. On page 90, line 11, after "certified" insert "or approved"; and in line 13 strike the first "or" and insert an underscored comma and before "fitness" insert ", or instructor's".

35. Renumber the remaining sections accordingly.

Mr. Beutler asked unanimous consent to print the following amendment to LB 678 in the Journal. No objections. So ordered.

AM2387

1. In the Wesely amendment, AM2353, on page 2, lines 7 and 9, reinstate the stricken matter; in line 8 strike "shall"; and in line 9 after "finds" insert "that appropriate facilities are available and".

2. On page 4, strike beginning with the second "in" in line 5 through line 7 and insert "as provided in section 5 of this act.".

3. Insert the following new section:

"Sec. 5. That section 83-337, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~83-337.~~ (1) The members of the mental health board shall be allowed compensation at an hourly rate to be determined by the district judge, and in no event shall the amount allowed be less than fifty dollars for each hearing. They shall also be ~~allowed~~ reimbursed for their necessary and actual expenses~~, not including charges for board, and if mileage be included in their expenses, it shall be computed in accordance with the provisions of section 23-1112 for county officers and employees~~ as provided in sections 81-1174 to 81-1177. Compensation and expense reimbursement shall be provided to members and alternate members for attendance at training required by section 83-1018.

(2) The examining mental health professionals shall be entitled to compensation at a fair and reasonable rate to be determined by the district judge for time spent by them in connection with physical or mental examinations at the request of the mental health board and mileage at the rate provided in section ~~23-1112 for county officers and employees~~ 81-1176.

(3) The sheriff shall be allowed, for conveying a patient to a treatment hospital for the mentally ill and returning, mileage at the rate provided in section 33-117 for county sheriffs and deputy county sheriffs for each mile actually and necessarily traveled, and for other service the sheriff shall receive the same fees as for like services in other cases.

(4) Witnesses shall be entitled to the same fees as witnesses in the district court and mileage as provided in section 23-1112. ~~for county officers and employees.~~

(5) All compensation and expenses provided for in this section shall be allowed and paid out of the county treasury by the county board. Whenever the mental health board issues its warrant for the admission of a person to a facility~~,~~ or orders the return of a patient~~,~~ and funds to pay the expenses thereof are needed in advance, it shall estimate the probable expense of conveying the patient to the facility, including the necessary assistance. The clerk shall certify the estimate, and the county clerk shall issue an order on the treasurer of the county in favor of the sheriff or person entrusted with the execution of the warrant.

(6) The sheriff or person executing the warrant shall include in his or her return a statement of the expenses incurred, including the excess or

deficiency, if any, of any amount advanced for such expenses~~,~~ as authorized by subsection (5) of this section. Any excess shall be paid to the county treasurer, taking his or her receipts therefor, and any deficiency shall be obtained by filing a claim with the county board therefor. If no funds are advanced, the expenses shall be certified on the warrant and paid when it is returned.".

4. On page 9, line 19, strike "83-337,"; in line 20 strike "2 and 4 to 6" and all amendments thereto and insert "3 and 5 to 7"; and in line 22 before "83-1002" insert "83-337,".

5. Renumber the remaining sections accordingly.

Mr. R. Johnson asked unanimous consent to print the following amendment to LB 338 in the Journal. No objections. So ordered.

AM2821

1. On page 4, strike beginning with "the" in line 8 through the first comma in line 9; in line 9 strike the second comma; in line 24 strike the colon; and in line 25 strike "(a) For" and insert "for" and remove the paragraphing.

2. On page 5, line 2, strike "; and" and insert an underscored period; and strike lines 3 through 6.

GENERAL FILE

LEGISLATIVE BILL 1272. Considered.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Lynch moved the previous question. The question is, "Shall the debate now close?" The motion lost with 12 ayes, 14 nays, and 23 not voting.

Mr. Lynch moved the previous question. The question is, "Shall the debate now close?"

Mr. Bernard-Stevens moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. Bernard-Stevens requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 21:

Ashford
Bernard-Stevens
Beutler
Bohlke
Chizek
Cudaback
Dierks
Haberman
Hall
Hartnett
Horgan
Landis
Lindsay
Lynch
Morrissey
Rasmussen
Robak
Wesely
Wickersham
Will
Withem

Voting in the negative, 15:

Beyer
Chambers
Coordsen
Crosby
Hefner
Johnson, L.
Kristensen
Lamb
Moore
Pirsch
Robinson
Rogers
Schellpeper
Schimek
Wehrbein

Present and not voting, 9:

Baack
Byars
Conway
Elmer
Hillman
Nelson
Peterson
Schrock
Warner

Absent and not voting, 2:

Abboud
Schmit

Excused and not voting, 2:

Johnson, R.
Labedz

The motion to cease debate lost with 21 ayes, 15 nays, 9 present and not voting, 2 absent and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Messrs. Schmit and Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Moore offered the following amendment:
FA318
Amend AM3538

On page 2 lines 5 and 6, strike "Educational Excellence Fund" and insert "Tax Equity and Educational Opportunities Fund".

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Hall asked unanimous consent to print the following amendment to LB 962 in the Journal. No objections. So ordered.

AM3611

(Amendments to Standing Committee amendments, AM2812)

1. On page 6, line 6, strike "seven", show as stricken, and insert "eight".

2. On page 9, lines 5 and 15, strike "Eight" and insert "Ten"; and strike beginning with "For" in line 20 through the underscored period in line 23 and insert "The items exempted in section 68(c) of the Internal Revenue Code of 1986, as amended, and deductions for charitable contributions taken pursuant to section 170 of such code shall not be subject to the limitations prescribed in subdivisions (b) and (c) of this subsection.".

Messrs. Rogers and Morrissey asked unanimous consent to print the following amendment to LB 1138 in the Journal. No objections. So ordered.

AM3597

(Amendments to Standing Committee amendments, AM2788)

1. Insert the following new section:

"Sec. 84. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 962A. Introduced by Landis, 46.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 962, Ninety-second Legislature, Second Session, 1992.

VISITORS

Visitors to the Chamber were a group of 14 high school students and sponsors from Sarpy County 4-H; 50 fourth grade students and teachers from Lincoln Elementary, Beatrice; Chuck, Rose, Michael, and Krista Lawitzer; 50 members of Guiding Star Girl Scout Council from western Nebraska; Dick Mueller and Patricia Kies; and Leroy and Doug Lazure and Marty Peters from Omaha.

MOTION - Adjournment

Mr. L. Johnson moved to adjourn until 9:00 a.m., Monday, March 23, 1992. The motion prevailed with 16 ayes, 8 nays, 21 present and not voting, and 4 excused and not voting, and at 3:39 p.m., the Legislature adjourned until 9:00 a.m., Monday, March 23, 1992.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-SEVENTH DAY - MARCH 23, 1992

LEGISLATIVE JOURNAL

NINETY-SECOND LEGISLATURE
SECOND SESSION

FORTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 23, 1992

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Moul presiding.

PRAYER

The prayer was offered by Pastor Joel Wiggins, Lake Forest Alliance Church, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Beutler, Beyer, Byars, Chambers, Conway, Haberman, Hall, Horgan, R. Johnson, Kristensen, Landis, Lindsay, Schmit, Wesely, Mmes. Labedz, Pirsch, and Rasmussen who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-sixth day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1241. Placed on Select File as amended.
E & R amendment to LB 1241:
AM5276

1. In the Wehrbein amendment, AM3465:

a. Renumber sections 30 and 31 as sections 28 and 29, respectively;

b. Strike amendment 3 and insert the following new amendment:

c. On page 1, strike line 10; in line 12 strike "30 and 31" and insert "28 and 29"; and in line 19 strike "amendments" and insert "sections accordingly".

"3. On page 35, line 6, after the period insert 'This subsection shall not apply to facilities controlled by the Nebraska School for the Deaf or Nebraska School for the Visually Handicapped to be rented to state agencies or other parties by the school.'."; and

2. On page 3, line 25, strike the comma.

3. On page 4, line 7, strike "shall be", show as stricken, and insert "is".

4. On page 32, line 1, after "Services" insert an underscored comma.

5. On page 41, line 14, strike the third comma and show as stricken.

LEGISLATIVE BILL 835. Placed on Select File as amended.
E & R amendment to LB 835:
AM5274

1. In the Abboud-Lindsay amendment, AM3463, on page 2, line 11, strike "of" and insert "after".

2. On page 1, strike beginning with "insurance" in line 1 through line 13 and insert "the Comprehensive Health Insurance Pool; to amend section 44-4233, Reissue Revised Statutes of Nebraska, 1943; to change provisions authorizing the offset of assessments against tax liability; to provide for a refund of assessments; and to repeal the original section.".

LEGISLATIVE BILL 835A. Placed on Select File as amended.
E & R amendment to LB 835A:
AM5275

1. On page 1, line 4; and page 2, lines 5 and 6, strike "First Session, 1991" and insert "Second Session, 1992".

(Signed) Eric Will, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 292. Introduced by Kristensen, 37; Beutler, 28; Conway, 17; Landis, 46; Lindsay, 9.

PURPOSE: Other states have adopted laws creating a new type of business entity known as the limited liability company. The purpose of this resolution is to study the feasibility of adopting a limited liability company act in this state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 276, LR 277, LR 278, and LR 280.

RESOLUTIONS

LEGISLATIVE RESOLUTION 281. Read. Considered.

LR 281 was adopted with 21 ayes, 0 nays, and 28 not voting.

LEGISLATIVE RESOLUTION 291. Read. Considered.

LR 291 was adopted with 22 ayes, 0 nays, and 27 not voting.

GENERAL FILE

LEGISLATIVE BILL 1272. The Moore pending amendment, FA318, found in the Journal on page 1502, was renewed.

Mr. Moore withdrew his pending amendment.

Mr. Chizek asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Wehrbein moved to reconsider the Rasmussen-Bernard-Stevens-Crosby AM3538.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hartnett moved the previous question. The question is, "Shall the debate now close?"

Mr. Hartnett moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

The motion to cease debate prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Wehrbein requested a roll call vote on his motion to reconsider.

Voting in the affirmative, 22:

Baack
Beyer
Byars
Conway
Coordsen
Dierks
Elmer
Hefner
Hillman
Johnson, L.
Johnson, R.
Kristensen
Labedz
Lamb
Moore
Nelson
Peterson
Robak
Rogers
Schellpeper
Warner
Wehrbein

Voting in the negative, 15:

Abboud
Ashford
Bernard-Stevens
Beutler
Bohlke
Cudaback
Horgan
Lynch
Morrissey
Pirsch
Rasmussen
Schrock
Wesely
Will
Withem

Present and not voting, 5:

Crosby
Hartnett
Robinson
Schimek
Wickersham

Absent and not voting, 1:

Chambers

Excused and not voting, 6:

Chizek	Hall	Landis	Lindsay	Schmit
Haberman				

The Wehrbein motion to reconsider lost with 22 ayes, 15 nays, 5 present and not voting, 1 absent and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Ashford offered the following amendment:
FA319

Amend the Bernard-Stevens amendment to LB 1272 (AM3538)

Add the following new amendments:

1. Strike subsection (11)(f) of Section 77-2702 and subsection (3)(a) of 77-2704, and renumber the remaining subsections.

2. Proceeds from the repeal of these subsections shall be credited to the Highway Trust Fund.

Mr. Ashford withdrew his pending amendment.

Mr. Moore moved to indefinitely postpone LB 1272.

Mr. Ashford asked unanimous consent to pass over LB 1272.

Mr. Bernard-Stevens objected.

Mr. Lynch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Moore withdrew his pending motion to indefinitely postpone.

Mr. Lamb moved to indefinitely postpone LB 1272.

Laid over.

LEGISLATIVE BILL 1292. Title read. Considered.

Standing Committee amendment, AM3430, found in the Journal on page 1301, was considered.

Mr. Coordsen renewed his pending amendment, AM3539, found in the Journal on page 1394, to the Standing Committee amendment.

The Coordsen amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 556. Mr. Chambers offered the following amendment:
FA320
Amend Committee Amendments (AM2560)
Page 4, line 23: Strike, "up to but not exceeding", and insert: "twenty-five percent of"

The Chambers amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Mr. Ashford offered the following amendment:
AM3636
(Amendments to Standing Committee amendments, AM2560)

1. Insert the following new section:

"Sec. 7. (1) During the election period, no candidate shall accept a contribution from a person other than a political party in excess of twenty-five thousand dollars for candidates for Governor and Lieutenant Governor running jointly and ten thousand dollars for a candidate for State Treasurer, Secretary of State, Attorney General, or Auditor of Public Accounts. During the election period, no candidate shall accept a contribution from a political party in excess of one hundred thousand dollars for candidates for Governor and Lieutenant Governor running jointly and ten thousand dollars for a candidate for State Treasurer, Secretary of State, Attorney General, or Auditor of Public Accounts.

(2) During the election period, no candidate shall accept a contribution from a person in excess of five thousand dollars for a candidate for the Legislature and two thousand five hundred dollars for a candidate for the Public Service Commission, the Board

of Regents, or the State Board of Education.

(3) During the election period, no candidate shall accept contributions from independent committees, corporations, unions, industry, trade, and professional associations, and political parties which, when aggregated, are in excess of three hundred fifty thousand dollars for candidates for Governor and Lieutenant Governor running jointly, fifty-two thousand five hundred dollars for a candidate for State Treasurer, Secretary of State, Attorney General, or Auditor of Public Accounts, twenty thousand dollars for a candidate for the Legislature, and eight thousand seven hundred fifty dollars for a candidate for the Public Service Commission, the Board of Regents, or the State Board of Education.".

2. On page 1, line 3, strike "7" and all amendments thereto and insert "9".

3. Renumber the remaining sections accordingly.

Pending.

UNANIMOUS CONSENT - Print in Journal

Messrs. Robinson and Schrock asked unanimous consent to print the following amendment to LB 1272 in the Journal. No objections. So ordered.

AM3629

1. Insert the following new sections:

"Section 1. A tax is hereby imposed upon the privilege of engaging in business as a manufacturer or distributor at wholesale at a rate of twenty cents per gallon on all carbonated soft drinks manufactured or distributed in this state. The Tax Commissioner shall collect the tax and shall remit the proceeds to the State Treasurer for credit to the General Fund. The tax shall be in addition to all other occupation or privilege taxes imposed by the state or by any municipality or other political subdivision.

Manufacturers or distributors shall be exempt from the payment of the tax upon proof that the carbonated soft drinks were manufactured in this state but shipped out of the state for sale and consumption outside of this state. The tax shall not be imposed upon the privilege of engaging in any business in interstate commerce or otherwise, which business may not be made the subject of taxation by this state under federal law or the Constitution of the United States, or upon carbonated soft drinks delivered to any instrumentality of the armed forces of the United States engaged in resale activities unless specifically authorized by federal law.

Sec. 2. Each manufacturer or distributor of carbonated soft drinks shall file a report with the Tax Commissioner by October 10, 1992, listing all carbonated soft drinks on hand at the close of business on October 1, 1992. The manufacturer or distributor shall pay tax on such carbonated soft drinks as determined under section 1 of this act. The tax shall be remitted with the report.

Sec. 3. Payment of the tax imposed by section 1 of this act shall be made by the manufacturer or distributor as provided in this section. All manufacturers or distributors, whether within or without this state shall, on or before the twenty-fifth day of each calendar month, make a report under oath to the Tax Commissioner upon forms to be furnished by the Tax Commissioner for the purpose of showing the exact total amount in gallons of carbonated soft drinks, or fractional parts thereof, manufactured or distributed by such manufacturer or distributor during the preceding calendar month. The report shall contain such other information as the Tax Commissioner requires.

The distributor shall pay the tax due on carbonated soft drinks distributed in this state and the manufacturer shall pay the tax due on carbonated soft drinks manufactured in this state. The tax less a discount of one percent of such tax shall be due on the date the report is due. The discount shall be deducted from the payment before remittance of the tax, shall be shown in the report, and shall be a commission for the making of the report and for the timely payment of the tax, but if the tax is not paid within the time provided in this section, the discount shall not be allowed and shall not be deducted from the payment.

A penalty of ten percent of the amount of the tax due shall be collected by the Tax Commissioner if the report is not filed by or the tax is not paid by the twenty-fifth day of the calendar month, and in addition thereto, interest on the tax shall be collected at the rate of one percent per month, or fraction of a month, from the date the tax became due until paid.

Sec. 4. In order to insure the payment of the tax imposed by section 1 of this act together with all interest and penalties thereon, all persons required to make reports and pay the tax shall enter into a surety bond with corporate surety. The bond form and surety shall be approved by the Tax Commissioner. In lieu of a corporate surety bond, a personal bond may be filed in such form as the Tax Commissioner prescribes and secured by the pledge of property having a net value over and above any encumbrance thereon at least double the amount of the bond required. Subject to the limitations specified in this section, the amount of the bond required of any taxpayer shall be fixed by the Tax Commissioner and may be increased or reduced at any time. In fixing the amount, the Tax Commissioner shall require a bond in a total amount equal to the amount of the taxpayer's estimated maximum monthly tax ascertained in such manner as the Tax Commissioner deems proper. The amount of such bond required of any one taxpayer shall not be less than one thousand dollars. The bond shall be filed with the Tax Commissioner.

Sec. 5. It shall be unlawful for any person to evade or attempt to evade the payment of tax imposed by section 1 of this act, and upon conviction thereof, in addition to the penalty prescribed for the violation of this section, the person shall forfeit and pay, as a part of costs in such action, double the amount of the tax so evaded or attempted to be evaded. Any person who violates this section shall be guilty of a Class II misdemeanor. The trial court may order and direct the confiscation of the carbonated soft drinks involved in such transaction as part of the judgment of conviction.

Sec. 6. Money collected pursuant to the tax imposed under section 1 of this act shall be remitted to the State Treasurer for credit to the Educational Excellence Fund.

Sec. 7. The Tax Commissioner shall adopt and promulgate rules and regulations to carry out sections 1 to 6 of this act.

Sec. 8. That section 77-381, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-381. ~~As used in sections 77-379 to 77-385~~ For purposes of the Tax Expenditure Reporting Act of 1979, unless the context otherwise requires:

(1) Tax expenditure shall mean a revenue reduction that occurs in the tax base of the state or a political subdivision as the result of an exemption, deduction, exclusion, tax deferral, credit, or preferential rate introduced into the tax structure;

(2) Department shall mean the Department of Revenue;

(3) Income tax shall mean the tax imposed upon individuals and corporations under Chapter 77, article 27;

(4) Sales tax shall mean the tax imposed upon expenditures under Chapter 77, article 27;

(5) Property tax shall mean the tax imposed upon real and personal property under Chapter 77; and

(6) Miscellaneous tax shall mean revenue sources other than income, sales, and property taxes for state and local government, including, but not limited to, motor vehicle and special fuel taxes, liquor taxes, carbonated soft drink taxes, cigarette taxes, inheritance and estate taxes, insurance premium taxes, and occupation taxes and fees or other taxes which generate state or local revenue annually in excess of two million dollars.

Sec. 12. Sections 1 to 8 and 13 of this act shall become operative on October 1, 1992. The other sections of this act shall become operative on their effective date.

Sec. 13. That original section 77-381, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

2. Renumber the remaining sections accordingly.

Mr. Schmit asked unanimous consent to print the following amendment to LB 349 in the Journal. No objections. So ordered.

AM3619

(Amendments to Standing Committee amendments, AM2456)

1. On page 11, line 14, strike the new matter and reinstate the stricken new matter.

2. On page 12, line 5, after the period insert "At no time shall the Economic Poison Administration Cash Fund or the General Fund contribute more than ten percent of the total program cost to administer, enforce, or otherwise regulate sections 2-2601 to 2-2611. All funds necessary to implement the changes made to sections 2-2601, 2-2603, 2-2604, 2-2610, 2-2613, 2-2614, and 2-2616 to 2-2620 by this legislative bill and sections 7, 8, and 14 to 17 of this act shall be from funds granted to the State of Nebraska through the United States Environmental Protection Agency and the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 136 et seq., as amended.".

3. On page 16, strike beginning with "or" in line 6 through "Agriculture" in line 7.

4. On page 17, line 23, after "Each" insert "private applicator or".

5. On page 19, line 11, after "Each" insert "certified private applicator or"; and in line 20 after "the" insert "certified private applicator or the".

6. On page 23, line 16, after "Any" insert "private applicator or".

RESOLUTION

LEGISLATIVE RESOLUTION 293. Introduced by Conway, 17.

WHEREAS, the office of the State Athletic Commissioner became a separate state agency in 1959; and

WHEREAS, the office of the State Athletic Commissioner has functioned as a cash-generating agency throughout its existence; and

WHEREAS, in the past, the State Athletic Commissioner has refunded to the state General Fund excess cash in the amount of one hundred twenty-five thousand dollars as well as paying fifteen percent of the fees that are generated; and

WHEREAS, in recent years, the amount of cash generated through the functions of the State Athletic Commissioner has not been sufficient to meet its operations and has had to be supplemented by the state General Fund; and

WHEREAS, Legislative Bill 1294, introduced in the ninety-second Legislature, Second Session, proposes to eliminate the office of the State Athletic Commissioner and replace it with the State Athletic Act which would require local municipalities and counties to assume the functions and responsibilities of the State Athletic Commissioner.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature conduct an interim study to examine the need for the continuing existence of the State Athletic Commissioner, to identify any needs or deficiencies in the operation of the office of the State Athletic Commissioner, and to explore the possibilities of alternatives to the office of the State Athletic Commissioner.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1148A. Introduced by Labedz, 5.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1148, Ninety-second Legislature, Second Session, 1992.

VISITORS

Visitors to the Chamber were nine twelfth grade students and teacher from Stratton High School; Senator Lamb's son, daughter-in-law, and grandchildren, Dave, Donalee, Jason, and Rodney Lamb, from Anselmo; 12 juniors, seniors, and teacher from Crete High School; 123 sophomores, juniors, and teacher from across the state; 20 kindergarten through eighth grade students and sponsor from District 44, Wahoo; former Senator

Merle VonMinden; and Senator Hillman's daughter and son-in-law, Shari and Allan Johnston, from Gering.

RECESS

At 12:15 p.m., on a motion by Speaker Baack, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:32 p.m., Speaker Baack presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Chizek, Haberman, Hall, Landis, Rogers, Schellpeper, Wehrbein, and Mrs. Labedz who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 556. The Ashford pending amendment, AM3636, found in this day's Journal, was renewed.

Mr. Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

PRESIDENT MOUL PRESIDING

Mr. R. Johnson offered the following amendment to the Ashford pending amendment:
FA321

Amendment to Ashford amendment, AM3636.

Strike in line 19 the words "two thousand five hundred" and add "five thousand" of the Ashford amendment #3636.

The R. Johnson amendment was adopted with 23 ayes, 0 nays, 17 present and not voting, and 9 excused and not voting.

Mr. R. Johnson offered the following amendment to the Ashford pending amendment:
FA322

Amend the Ashford amendment, AM3636, by striking on line 12 & 13 on page 2 the words "eight thousand seven hundred fifty dollars" and add "twenty thousand"

The R. Johnson amendment was adopted with 22 ayes, 0 nays, 18 present and not voting, and 9 excused and not voting.

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?"

Mr. Wesely moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

The motion to cease debate prevailed with 26 ayes, 5 nays, and 18 not voting.

Mr. Ashford requested a roll call vote on his amendment, as amended.

Voting in the affirmative, 25:

Abboud
Ashford
Bernard-Stevens
Beyer
Bohlke
Chambers
Crosby
Cudaback
Dierks
Elmer
Hefner
Hillman
Horgan
Johnson, L.
Nelson
Pirsch
Rasmussen
Robak
Robinson
Schimek
Schmit
Schrock
Warner
Wehrbein
Wickersham

Voting in the negative, 11:

Baack
Conway
Hall
Johnson, R.
Kristensen
Labedz
Lindsay
Moore
Morrissey
Will
Withem

Present and not voting, 8:

Beutler
Byars
Hartnett
Lamb
Lynch
Peterson
Schellpeper
Wesely

Excused and not voting, 5:

Chizek
Coordsen
Haberman
Landis
Rogers

The Ashford amendment, as amended, was adopted with 25 ayes, 11 nays, 8 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Chambers offered the following amendment:
FA323
Amend Committee Amendment (AM2560)
Page 3, lines 16, 17, strike: "in amounts of two hundred dollars or less."

Mr. Wehrbein asked unanimous consent to be excused until he returns. No objections. So ordered.

The Chambers amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. Wesely asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Ashford moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Ashford requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 26:

Abboud
Ashford
Beutler
Bohlke
Crosby
Cudaback
Dierks
Elmer
Hefner
Hillman
Horgan
Kristensen
Lindsay
Lynch
Moore
Morrissey
Nelson
Peterson
Rasmussen
Robak
Robinson
Rogers
Schrock
Warner
Wehrbein
Wickersham

Voting in the negative, 13:

Bernard-Stevens
Byars
Chambers
Conway
Haberman
Hall
Johnson, L.
Labedz
Lamb
Pirsch
Schmit
Will
Withem

Present and not voting, 7:

Baack	Coordsen	Johnson, R.	Schellpeper	Schimek
Beyer	Hartnett			

Excused and not voting, 3:

Chizek	Landis	Wesely

Advanced to E & R for review with 26 ayes, 13 nays, 7 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

RESOLUTIONS

LEGISLATIVE RESOLUTION 294. Introduced by Wesely, 26; Rogers, 41.

PURPOSE: The purpose of this study is to examine the funding formula for community action agencies in Nebraska. The funding formula that is currently used has not been revised for a number of years. The study shall identify what elements and considerations should be used to distribute funds under the Community Development Block Grant Program.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall call upon the resources of the Director of Research of the Legislature, the Legislative Fiscal Analyst, and other staff resources to carry out the purposes of this resolution.
3. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 295. Introduced by Wesely, 26.

PURPOSE: The purpose of this study is to develop a method for implementing accessibility standards to replace outmoded accessibility standards for public buildings in the State of Nebraska. Existing state statutes have not been updated for fifteen years and do not reflect widely accepted accessibility standards now used throughout the United States.

This study shall include:

(1) STANDARDS. Evaluate the various national and local accessibility standards to determine which, if any, of those standards would best serve the citizens of the State of Nebraska.

(2) SCOPE. Review the scope of the current Nebraska statutes to determine which public building types would need to comply as well as the applicability to new, remodeled, and existing public buildings and public and private spaces within the buildings.

(3) ENFORCEMENT STRUCTURE. Evaluate methods for providing a consistent, effective, and low cost plan for statewide review, enforcement, and penalties.

(4) ADVISORY COMMITTEE. Determine the role, if any, of an advisory committee to assist the agency charged with enforcement of the public accessibility standards.

(5) TECHNICAL ASSISTANCE. Investigate the various ways to provide technical assistance to aid the building industry and interested citizens in complying with the updated statutes.

(6) COST. Review the funding mechanisms for implementing the updated accessibility standards, including technical assistance costs, plan review fees, and advisory committee meeting costs.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Legislature shall appoint a special task force to the committee comprised of senators, building industry representatives, code enforcement officials, citizens including those with disabilities, and other advocates.

3. That the committee shall call upon the resources of the Director of Research of the Legislature, the Legislative Fiscal Analyst, and other staff resources to carry out the purposes of this resolution.

4. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Mr. Lamb asked unanimous consent to print the following amendment to LB 1019 in the Journal. No objections. So ordered.

AM3366

1. Insert the following new section:

"Sec. 58. That section 71-2059, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-2059. A political subdivision, state agency, or other governmental entity which owns or operates a hospital or hospital health service shall, relative to the delivery of health care services, have the authority to:

(1) Enter into agreements with other health care providers to share services or provide a tangible benefit to the hospital and into other cooperative ventures;

(2) Join or sponsor membership in organizations or associations intended to benefit the hospital or hospitals in general;

(3) Enter into partnerships;

(4) Create or merge with other corporations;

(5) Have members of its governing authority or its officers or administrators serve without pay as directors or officers of any such venture, organization, association, partnership, or corporation; ~~and~~

(6) Offer, directly or indirectly, products and services of the hospital or any such venture, organization, association, partnership, or corporation to the general public; and

(7) Acquire, erect, staff, equip, or operate one or more medical office buildings, clinic buildings, or other buildings or parts thereof for medical services. Such buildings or parts may be freestanding facilities or additions to or parts of an existing hospital or health care facility. Unless the governmental entity declares otherwise, the building or parts shall be considered an addition or improvement to the existing facilities. The governmental entity may lease all or part of such building to one or more health care practitioners or groups of health care practitioners or otherwise allow health care

practitioners the use thereof on such terms as the governmental entity deems appropriate. Such lease or other use shall not be required to comply with public bidding requirements or approval of the electorate.".

2. In the Standing Committee amendments, AM2816, on page 7, line 1, strike "70" and insert "71"; and in lines 1 and 8 strike "66" and insert "67"; and on page 18, line 1, before "71-2610.01," insert "71-2059,".

3. Renumber the remaining sections accordingly.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1022. Placed on Select File as amended.
E & R amendment to LB 1022:
AM5278

1. In lieu of the Moore amendment, FA315, on page 74, after line 19 insert:

"It is the intent of the Legislature that no General Funds be appropriated to Agency No. 43, State Athletic Commissioner, after FY1992-93.".

2. In the Conway amendment, AM3590, on page 1, strike line 5 and insert "in line 16 reinstate the stricken matter; and strike line 17.".

3. In the Moore-Bernard-Stevens amendment, FA312, on page 1, after "125,000" insert "and insert '-0-' ".

4. In the Pirsch amendment, AM3553, renumber section 23 as section 30.

5. In the Rasmussen amendment, AM3421, renumber section 46 as section 47.

6. In the Standing Committee amendment, AM3186, on page 34, line 15, strike beginning with the first "Laws" through the second semicolon; and in line 16 strike "sections 10 and 39" and insert "section 10".

7. On page 1, strike lines 2 through 10 and insert "1991, LB 647A, section 1; Laws 1991, LB 652, section 29; Laws 1991, LB 701A, section 4; Laws 1991, LB 732A, sections 1 and 2; Laws 1991, LB 829A, section 1; Laws 1991, LB 842, section 1; Laws 1991, LB 843, sections 7, 8, 12, 15, 16, 18, 27, 28, 29, 36, 45, 48, 51, 62, 70, 80, 84, and 88; Laws 1991, LB 846A, section

10; and Laws 1991, LB 847, sections 5, 6, 19, 27, 31, 32,".

8. On page 19, strike beginning with "The" in line 2 through "appropriates" in line 3 and insert "There is hereby appropriated".

9. On page 89, line 10 strike "expenditure" and insert "expenditures".

10. On page 105, line 23, strike "1,629,044" and insert "1,629,094".

11. On page 123, lines 8 and 9, strike "the".

12. On page 125, lines 21 and 22, strike "Technical" and show as stricken.

LEGISLATIVE BILL 1268. Placed on Select File as amended.
E & R amendment to LB 1268:
AM5277

1. On page 1, line 3, strike "eliminate a transfer" and insert "provide for and eliminate transfers".

(Signed) Eric Will, Chairperson

UNANIMOUS CONSENT - Members Excused

Messrs. Lynch, Kristensen, and Haberman asked unanimous consent to be excused until they return. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 1257. Title read. Considered.

Standing Committee amendment, AM3060, printed separately from the Journal and referred to on page 1040, was considered.

SPEAKER BAACK PRESIDING

Mrs. Hillman asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. R. Johnson renewed his pending amendment, AM3160, found in the Journal on page 1109, to the Standing Committee amendment.

The R. Johnson amendment was adopted with 12 ayes, 0 nays, 30 present and not voting, and 7 excused and not voting.

Mr. R. Johnson renewed his pending amendment, AM3243, found in the Journal on page 1110, to the Standing Committee amendment.

The R. Johnson amendment was adopted with 17 ayes, 0 nays, 25 present and not voting, and 7 excused and not voting.

Mr. Morrissey renewed his pending amendment, AM3566, found in the Journal on page 1412, to the Standing Committee amendment.

The Morrissey amendment was adopted with 10 ayes, 0 nays, 32 present and not voting, and 7 excused and not voting.

Mr. Morrissey renewed his pending amendment, AM3567, printed separately from the Journal and referred to on page 1453, to the Standing Committee amendment.

Mrs. Labedz asked unanimous consent to be excused. No objections. So ordered.

The Morrissey amendment was adopted with 12 ayes, 0 nays, 29 present and not voting, and 8 excused and not voting.

Mr. Chambers offered the following amendment to the Standing Committee amendment:
FA324
Amend Committee Amendment (AM3060)
Page 9, line 13:
After "payments." strike the period and insert: ", except that no City of the Metropolitan Class shall impose any rate or charge upon individual residences unless a majority of those voting in a regular or special election shall vote affirmatively to approve or authorize establishment of such a rate or charge."

MR. LAMB PRESIDING

Messrs. Ashford, Lindsay, Byars, Elmer, and Schellpeper asked unanimous consent to be excused. No objections. So ordered.

SPEAKER BAACK PRESIDING

Mrs. Robak moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Messrs. Schmit and Peterson asked unanimous consent to be excused. No objections. So ordered.

The Chambers amendment was adopted with 13 ayes, 11 nays, 15 present and not voting, and 10 excused and not voting.

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 296. Introduced by Revenue Committee: Hall, 7, Chairperson; Hefner, 19; Rogers, 41; Warner, 25; Will, 8.

PURPOSE: The purpose of this resolution is to study alternative tax bases and revenue sources for funding state and local services. The study shall include the transaction tax proposal, the European and Michigan styled value-added tax, and a gross receipts tax. The study shall examine the practicality, efficiency, enforceability, simplicity, effect on the economic climate of the state, and fairness of each proposal relative to Nebraska's current tax structure.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 297. Introduced by Hall, 7.

PURPOSE: The purpose of this resolution is to study Nebraska's overall tax system. The study shall examine the relationship between and utilization of the sales tax and the income tax as well as local property taxes and user fees. It shall also examine exemptions from each of such tax bases and other tax expenditures. The study should focus on ways to make the overall tax system more fair, more efficient, and more consistent in promoting the tax policy of the state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 1292. Placed on Select File as amended.
E & R amendment to LB 1292:
AM5279

1. On page 4, line 9, strike "95,587.49" and all amendments thereto and insert "95,909.49"; and before line 10 insert:

"Trust Fund 8,172.98".

2. On page 6, line 15, strike "Economic"; and in line 16 after "of" insert "Economic".

(Signed) Eric Will, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 988 in the Journal. No objections. So ordered.

AM3605

1. On page 6, strike beginning with "Director" in line 4 through the period in line 8 and insert "the head of the unit. The unit director shall be selected by the Executive Board of the Legislative Council from the following: The Director of Research of the Legislature, a staff member of the Director of Research of the Legislature nominated by such director, or any other legislative employee."; in line 17 strike "a"; in line 18 strike "majority" and insert "the

Executive Board" and strike "Legislature" and insert "Legislative Council"; and in line 23 strike "regular session of the".

2. On page 17, line 16, before "committee" insert "final"; and in line 19 after "file" insert "with the committee".

Messrs. Wehrbein, Schmit, and Mrs. Bohlke asked unanimous consent to print the following amendment to LB 754 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM3646.)

Mr. Chambers asked unanimous consent to print the following amendment to LB 1257 in the Journal. No objections. So ordered.

FA325
Amend Committee Amendments (AM3060)
P. 1 strike lines 8 - 16

VISITORS

Visitors to the Chamber were 12 students and sponsor from Wayne State College; and 14 fourth and fifth grade students and teacher from Manley Public School.

The Doctor of the Day was Andrew Brainard from Tekamah.

ADJOURNMENT

At 4:59 p.m., on a motion by Mr. Rogers, the Legislature adjourned until 8:00 a.m., Tuesday, March 24, 1992.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-EIGHTH DAY - MARCH 24, 1992

LEGISLATIVE JOURNAL

NINETY-SECOND LEGISLATURE SECOND SESSION

FORTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 24, 1992

Pursuant to adjournment, the Legislature met at 8:02 a.m., Speaker Baack presiding.

PRAYER

The prayer was offered by Pastor James Melang, All Saints Evangelical Lutheran Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Bernard-Stevens, Chizek, Coordsen, Hall, Landis, Lindsay, Schmit, Mrs. Labedz, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-seventh day was approved.

UNANIMOUS CONSENT - Member Excused

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 298. Introduced by Baack, 47.

PURPOSE: Training for public service telecommunicators provides for more knowledgeable and efficient dissemination of necessary information to law enforcement agencies, other safety agencies, and emergency medical providers.

The establishment of an Emergency Medical Dispatching Program in Nebraska would bring more accurate information into the dispatch office by way of appropriate understanding of the medical condition and therefor better interrogation, caller intervention, and decisionmaking.

Although the the concept in LB 920 introduced during the Ninety-second Legislature, Second Session, was generally supported, questions surfaced regarding the implementation of the program, including the applicability of the requirements to all areas of the state, funding for the program, the establishment of the curriculum, and the effect on the Nebraska Law Enforcement Training Center.

The purpose of this interim study is to determine the feasibility of requiring a training program and certification process for public safety telecommunicators, address the concerns regarding LB 920, and solicit input from parties interested in the training program.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

REPORT

Received from the Nebraska Department of Roads minutes of the Board of Public Roads Classifications and Standards for the month of February 1992.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LR 281 and LR 291.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 424. With Emergency.

A BILL FOR AN ACT relating to elections; to amend sections 10-703.01, 32-210.01, 32-212, 32-303, 32-403, 32-428.05, 32-428.06, 32-450, 32-451, 32-456, 32-464, 32-4,113, 32-4,132, 32-835, and 70-612, Reissue Revised Statutes of Nebraska, 1943, and sections 32-705, 32-1403, and 32-1404, Revised Statutes Supplement, 1990; to change the compensation paid to certain election officials; to provide a residency requirement for candidates for the Public Service Commission; to change provisions relating to endorsements on ballots and write-in votes; to authorize the use of optical-scan voting or tabulating devices; to change requirements for certain petitions and petition circulators; to change provisions relating to voting subdivisions for directors of public power and irrigation districts; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

Abboud
Ashford
Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Chambers
Conway
Crosby
Cudaback
Elmer
Haberman
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Johnson, R.
Kristensen
Lamb
Landis
Lynch
Moore
Morrissey
Nelson
Pirsch
Rasmussen
Robak
Robinson
Rogers
Schellpeper
Schmit
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 0.

Present and not voting, 2:

Byars
Peterson

Excused and not voting, 7:

Chizek
Coordsen
Dierks
Hall
Labedz
Lindsay
Schimek

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 470. With Emergency.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-157.01, Reissue Revised Statutes of Nebraska, 1943, sections 8-157, 8-602, and 8-1515, Reissue Revised Statutes of Nebraska, 1943, as amended by sections 3, 11, and 12, respectively, Legislative Bill 757, Ninety-second Legislature, Second Session, 1992, and section 8-355, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 985, Ninety-second Legislature, Second Session, 1992; to change provisions relating to the establishment of detached auxiliary offices; to change terminology; to limit the establishment of detached branches by building and loan associations; to harmonize provisions; to provide a duty for the Revisor of Statutes; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 37:

Abboud
Ashford
Baack
Bernard-Stevens
Beutler
Beyer
Byars
Chambers
Chizek
Conway
Crosby
Cudaback
Dierks
Elmer
Haberman
Hefner
Hillman
Horgan
Johnson, R.
Kristensen
Landis
Lynch
Morrissey
Nelson
Pirsch
Rasmussen
Robak
Rogers
Schellpeper
Schmit
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 4:

Hartnett
Johnson, L.
Lamb
Moore

Present and not voting, 3:

Bohlke
Peterson
Robinson

Excused and not voting, 5:

Coordsen	Hall	Labedz	Lindsay	Schimek

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB 130 to Select File

Mr. Withem moved to return LB 130 to Select File for the following specific amendment:
FA326
Strike on page two line 3 after ".", through line seven "habit."

Messrs. Landis and Schmit asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Withem withdrew his motion to return.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 424 and 470.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 130.

A BILL FOR AN ACT relating to tobacco products; to state intent; to restrict the use of vending machines and similar devices to dispense cigarettes and other tobacco products; to provide penalties; and to provide an operative date.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Abboud	Ashford	Baack

Bernard-Stevens
Beutler
Beyer
Bohlke
Chambers
Chizek
Conway
Crosby
Cudaback
Dierks
Elmer
Haberman
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Lamb
Landis
Moore
Morrissey
Nelson
Peterson
Pirsch
Robinson
Rogers
Schellpeper
Schimek
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 1:

Robak

Present and not voting, 5:

Byars
Johnson, R.
Kristensen
Lynch
Rasmussen

Excused and not voting, 5:

Coordsen
Hall
Labedz
Lindsay
Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bill: 130.

GENERAL FILE

LEGISLATIVE BILL 1272. Mr. Lamb withdrew his pending motion, found in the Journal on page 1509, to indefinitely postpone.

Messrs. Robinson and Schrock withdrew their pending amendment, AM3629, found in the Journal on page 1511.

Mr. Schrock offered the following amendment:
AM3649

1. Insert the following new sections:

"Section 1. A tax is hereby imposed upon the privilege of engaging in business as a manufacturer or distributor at wholesale at a rate of twenty cents per gallon on all carbonated soft drinks manufactured or distributed in this state. The tax shall be in addition to all other occupation or privilege taxes imposed by the state or by any municipality or other political subdivision.

Manufacturers or distributors shall be exempt from the payment of the tax upon proof that the carbonated soft drinks were manufactured in this state but shipped out of the state for sale and consumption outside of this state. The tax shall not be imposed upon the privilege of engaging in any business in interstate commerce or otherwise, which business may not be made the subject of taxation by this state under federal law or the Constitution of the United States, or upon carbonated soft drinks delivered to any instrumentality of the armed forces of the United States engaged in resale activities unless specifically authorized by federal law.

Sec. 2. Each manufacturer or distributor of carbonated soft drinks shall file a report with the Tax Commissioner by October 10, 1992, listing all carbonated soft drinks on hand at the close of business on October 1, 1992. The manufacturer or distributor shall pay tax on such carbonated soft drinks as determined under section 1 of this act. The tax shall be remitted with the report.

Sec. 3. Payment of the tax imposed by section 1 of this act shall be made by the manufacturer or distributor as provided in this section. All manufacturers or distributors, whether within or without this state shall, on or before the twenty-fifth day of each calendar month, make a report under oath to the Tax Commissioner upon forms to be furnished by the Tax Commissioner for the purpose of showing the exact total amount in gallons of carbonated soft drinks, or fractional parts thereof, manufactured or distributed by such manufacturer or distributor during the preceding calendar month. The report shall contain such other information as the Tax Commissioner requires.

The distributor shall pay the tax due on carbonated soft drinks distributed in this state and the manufacturer shall pay the tax due on carbonated soft drinks manufactured in this state. The tax less a discount of one percent of such tax shall be due on the date the report is due. The discount shall be deducted from the payment before remittance of the tax, shall be shown in the report, and shall be a commission for the making of the report and for the timely payment of the tax, but if the tax is not paid within the time provided in this section, the discount shall not be allowed and shall not be deducted from the payment.

A penalty of ten percent of the amount of the tax due shall be collected by the Tax Commissioner if the report is not filed by or the tax is not paid by the twenty-fifth day of the calendar month, and in addition thereto, interest on the tax shall be collected at the rate of one percent per month, or fraction of a month, from the date the tax became due until paid.

Sec. 4. In order to insure the payment of the tax imposed by section 1 of this act together with all interest and penalties thereon, all persons required to make reports and pay the tax shall enter into a surety bond with corporate surety. The bond form and surety shall be approved by the Tax Commissioner. In lieu of a corporate surety bond, a personal bond may be filed in such form as the Tax Commissioner prescribes and secured by the pledge of property having a net value over and above any encumbrance thereon at least double the amount of the bond required. Subject to the limitations specified in this section, the amount of the bond required of any taxpayer shall be fixed by the Tax Commissioner and may be increased or reduced at any time. In fixing the amount, the Tax Commissioner shall require a bond in a total amount equal to the amount of the taxpayer's estimated maximum monthly tax ascertained in such manner as the Tax Commissioner deems proper. The amount of such bond required of any one taxpayer shall not be less than one thousand dollars. The bond shall be filed with the Tax Commissioner.

Sec. 5. It shall be unlawful for any person to evade or attempt to evade the payment of tax imposed by section 1 of this act, and upon conviction thereof, in addition to the penalty prescribed for the violation of this section, the person shall forfeit and pay, as a part of costs in such action, double the amount of the tax so evaded or attempted to be evaded. Any person who violates this section shall be guilty of a Class II misdemeanor. The trial court may order and direct the confiscation of the carbonated soft drinks involved in such transaction as part of the judgment of conviction.

Sec. 6. Money collected pursuant to the tax imposed under section 1 of this act shall be remitted to the State Treasurer for credit to the Educational Excellence Fund.

Sec. 7. The Tax Commissioner shall adopt and promulgate rules and regulations to carry out sections 1 to 6 of this act.

Sec. 8. That section 77-381, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-381. ~~As used in sections 77-379 to 77-385~~ For purposes of the Tax Expenditure Reporting Act of 1979, unless the context otherwise requires:

(1) Tax expenditure shall mean a revenue reduction that occurs in the tax base of the state or a political subdivision as the result of an exemption, deduction, exclusion, tax deferral, credit, or preferential rate introduced into the tax structure;

(2) Department shall mean the Department of Revenue;

(3) Income tax shall mean the tax imposed upon individuals and corporations under Chapter 77, article 27;

(4) Sales tax shall mean the tax imposed upon expenditures under Chapter 77, article 27;

(5) Property tax shall mean the tax imposed upon real and personal property under Chapter 77; and

(6) Miscellaneous tax shall mean revenue sources other than income, sales, and property taxes for state and local government, including, but not limited to, motor vehicle and special fuel taxes, liquor taxes, carbonated soft drink taxes, cigarette taxes, inheritance and estate taxes, insurance premium taxes, and occupation taxes and fees or other taxes which generate state or local revenue annually in excess of two million dollars.".

2. In the Bernard-Stevens, et al., amendment, AM3538:

a. Strike section 1 and all amendments

thereto; and

b. On page 2, line 21, strike "77-27,132" and insert "77-381".

3. Renumber the remaining sections accordingly.

Mr. Lamb offered the following amendment to the Schrock pending amendment:
AM3662

(Amendments to AM3649)

1. Strike amendment 1 and insert the following new amendment:

"1. Insert the following new sections:

'Section 1. That section 53-160, Revised Statutes Supplement, 1991, be amended to read as follows:

53-160. (1) For the purpose of raising revenue, a tax is imposed upon the privilege of engaging in business as a manufacturer or a wholesaler at a rate of ~~twenty-three~~ fifty-three cents per gallon on all beer; seventy-five cents per gallon for wine containing not more than fourteen percent but not less than five-tenths of one percent of alcohol by volume and one dollar and thirty-five cents per gallon for wines and other dilute alcoholic beverages containing more than fourteen percent of alcohol by volume, except for wines produced in farm wineries; five cents per gallon for wine produced in farm wineries; and three dollars per gallon on alcohol and spirits manufactured and sold by such manufacturer or shipped for sale in this state by such wholesaler in the course of such business. The gallonage tax imposed by this subsection shall be imposed only on alcoholic liquor upon which a federal excise tax is imposed.

(2) Manufacturers or wholesalers of alcoholic liquor shall be exempt from the payment of the gallonage tax on such alcoholic liquor upon satisfactory proof, including bills of lading furnished to the commission by affidavit or otherwise as the commission may require, that such alcoholic liquor was manufactured in this state but shipped out of the state for sale and consumption outside this state.

(3) Dry wines or fortified wines manufactured

or shipped into this state solely and exclusively for sacramental purposes and uses shall not be subject to the gallonage tax.

(4) The gallonage tax shall not be imposed upon any alcoholic liquor, whether manufactured in or shipped into this state, when sold to a licensed nonbeverage user for use in the manufacture of any of the following when such products are unfit for beverage purposes: Patent and proprietary medicines and medicinal, antiseptic, and toilet preparations; flavoring extracts, syrups, food products, and confections or candy; scientific, industrial, and chemical products, except denatured alcohol; or products for scientific, chemical, experimental, or mechanical purposes.

(5) The gallonage tax shall not be imposed upon the privilege of engaging in any business in interstate commerce or otherwise, which business may not, under the Constitution and statutes of the United States, be made the subject of taxation by this state.

(6) The gallonage tax shall be in addition to all other occupation or privilege taxes imposed by this state or by any municipal corporation or political subdivision thereof.

(7) The commission shall collect the gallonage tax and shall account for and remit to the State Treasurer at least once each week all money collected pursuant to this section. If any alcoholic liquor manufactured in or shipped into this state is sold to a licensed manufacturer or wholesaler of this state to be used solely as an ingredient in the manufacture of any beverage for human consumption, the tax imposed upon such manufacturer or wholesaler shall be reduced by the amount of the taxes which have been paid as to such alcoholic liquor so used under the Nebraska Liquor Control Act. Proceeds from thirty cents of the tax per gallon of beer shall be credited to the Educational Excellence Fund. The remaining net proceeds ~~of all revenue~~ arising under this section shall be credited to the General Fund.

Sec. 3. That original sections 53-160 and 79-445, Revised Statutes Supplement, 1991, are repealed.' ".

Mrs. Pirsch asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Lamb requested a record vote on his amendment.

Voting in the affirmative, 6:

Cudaback
Hefner
Johnson, L.
Lamb
Peterson
Robinson

Voting in the negative, 27:

Ashford
Baack
Bernard-Stevens
Bohlke
Byars
Chizek
Conway
Coordsen
Crosby
Haberman
Hartnett
Hillman
Johnson, R.
Kristensen
Landis
Morrissey
Nelson
Rasmussen
Robak
Rogers
Schellpeper
Schimek
Schrock
Warner
Wickersham
Will
Withem

Present and not voting, 12:

Abboud
Beutler
Beyer
Chambers
Elmer
Horgan
Labedz
Lynch
Moore
Schmit
Wehrbein
Wesely

Excused and not voting, 4:

Dierks
Hall
Lindsay
Pirsch

The Lamb amendment lost with 6 ayes, 27 nays, 12 present and not voting, and 4 excused and not voting.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

MR. MORRISSEY PRESIDING

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Schellpeper moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Schrock moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. Schrock requested a roll call vote on his amendment.

Voting in the affirmative, 19:

Ashford
Baack
Chizek
Conway
Crosby
Cudaback
Dierks
Hartnett
Hefner
Johnson, R.
Kristensen
Moore
Nelson
Robak
Robinson
Schellpeper
Schrock
Warner
Wehrbein

Voting in the negative, 22:

Bernard-Stevens
Beutler
Bohlke
Byars
Chambers
Coordsen
Elmer
Haberman
Hillman
Horgan
Johnson, L.
Lamb
Landis
Morrissey
Peterson
Rasmussen
Rogers
Schimek
Schmit
Wesely
Will
Withem

Present and not voting, 4:

Abboud
Beyer
Lynch
Wickersham

Excused and not voting, 4:

Hall
Labedz
Lindsay
Pirsch

The Schrock amendment lost with 19 ayes, 22 nays, 4 present and not voting, and 4 excused and not voting.

Pending.

The Chair declared the call raised.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 24, 1992, at 9:40 a.m., were the following bills: 424, 470, and 130.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

UNANIMOUS CONSENT - Print in Journal

Ms. Schimek asked unanimous consent to print the following amendment to LB 307 in the Journal. No objections. So ordered.

AM3622

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. It shall be unlawful for any employer in Nebraska to (1) refuse to interview or refuse to hire a prospective employee or (2) discharge or otherwise discriminate against any employee concerning any conditions, terms, or benefits of employment, based on the prospective or current employee's participation in any lawful activity or consumption of any lawful product occurring outside the employer's premises during nonworking hours.

Sec. 2. An employee who is discriminated against or discharged in violation of section 1 of this act or a prospective employee who is discriminated against, denied employment, or denied submission of an application for employment in violation of section 1 of this act may bring civil action against the employer violating the provisions of such section and may obtain:

(1) An order of reinstatement without loss of position, seniority, or benefits;

(2) An order directing reinstatement of an applicant in good standing;

(3) Damages equal to the amount of lost wages and benefits; and

(4) Reasonable costs, including court costs and reasonable attorney's fees.

Sec. 3. Sections 1 and 2 of this act shall not apply to the following:

(1) A religious corporation, association, or

society with respect to employees who (a) perform work connected with the carrying on of the religious activities of such corporation, association, or society or (b) are employed in a school connected with such corporation, association, or society; and

(2) A nonprofit organization with regard to any lawful activity or lawful product when the primary purpose or objective of such organization is to promote, control, limit, or eliminate such lawful activity or the use of such lawful product.

Sec. 4. Nothing in sections 1 and 2 of this act shall prohibit employers from:

(1) Establishing conduct or product-use policies in the workplace or while using or occupying any property of the employer;

(2) Offering or having in effect a health, disability, or life insurance policy which makes a distinction between employees for the type of coverage or the price of coverage based upon the use of lawful products or participation in lawful activities, if the differential premium rates charged reflect the differential cost to the employer and if the employer provides the employee with a statement delineating the differential rates.

(3) Establishing permissible blood content levels for alcohol, prescription drugs, and other medications while the employee is on duty, on the employer's premises, or using the employer's equipment; or

(4) Establishing and enforcing policies, when such policies are communicated to the employee, regarding employees engaging in lawful activities or using lawful products outside the employer's premises during nonworking hours when such policies relate to conduct, including use of a lawful product, which involves (a) an employer's duties and obligations required by law, (b) compliance with fiduciary responsibilities, or (c) a legitimate conflict of interest policy designed to protect the employer's trade secrets, proprietary information, or other proprietary interests.".

RESOLUTIONS

LEGISLATIVE RESOLUTION 299. Introduced by Rogers, 41.

PURPOSE: To study methods of developing and promoting a statewide series of regional farmers' market cooperatives, how such farmers' market cooperatives can increase farm income, and how such farmers' market cooperatives can be promoted in conjunction with current efforts to promote agricultural products and agricultural tourism in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 300. Introduced by Wickersham, 49; Schellpeper, 18; Bernard-Stevens, 42; Nelson, 35.

PURPOSE: The purpose of this resolution is to consider updating and rewriting Nebraska law regarding the Nebraska Disaster and Civil Defense Act of 1973. The study shall include:

(1) A review of the statewide system of emergency planning, training, preparedness, mitigation, response, and recovery;

(2) A review of Titles I and III of the Superfund Amendment and Reauthorization Act (SARA) for compliance and related statewide staffing and funding needs;

(3) A review of funding requirements necessary to carry out state and local disaster preparedness programs to include establishment of fee systems or other alternative funding sources; and

(4) A review of other state statutes that deal with emergency response to ensure consistency with the Nebraska Disaster and Civil Defense Act of 1973.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study, in cooperation with the state Civil Defense Agency, to carry out the purposes

of this resolution. The committee should solicit the input of interested persons and groups as it deems necessary and beneficial to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 301. Introduced by Schellpeper, 18; Rogers, 41; Morrissey, 1; Coordsen, 32.

PURPOSE: The purpose of this resolution is (1) to study the impact of Legislative Bill 1063 on farmers, ranchers, agribusinesses, investments in agricultural enterprises, and rural communities, (2) to review the cost effectiveness of collecting personal property tax revenue, and (3) to compile county-by-county estimates of the personal property tax revenue to be generated by Legislative Bill 1063.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 302. Introduced by Agriculture Committee: Rogers, 41, Chairperson; Coordsen, 32; Cudaback, 36; Elmer, 38; Hefner, 19; Morrissey, 1; Schellpeper, 18.

PURPOSE: The purpose of this resolution is to examine the feasibility of creating a state agricultural council representing various farm organizations, commodity organizations, agricultural development and promotion boards, and agribusiness organizations for the purpose of (1) reviewing and making recommendations regarding legislation affecting agriculture in Nebraska, (2) coordinating the development and utilization of agricultural resources, and (3) promoting the sale of Nebraska agricultural products.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 303. Introduced by Agriculture Committee: Rogers, 41, Chairperson; Coordsen, 32; Cudaback, 36; Elmer, 38; Hefner, 19; Morrissey, 1; Schellpeper, 18.

PURPOSE: (1) To study the current statutory requirements for registration fees and device inspection fees for scales and measuring devices administered by the Nebraska Department of Agriculture, (2) to review the cost effectiveness of annual inspections of scales and measuring devices, and (3) to determine the impact of biennial registration and inspection of scales and measuring devices.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 304. Introduced by Agriculture Committee: Rogers, 41, Chairperson; Coordsen, 32; Cudaback, 36; Elmer, 38; Hefner, 19; Morrissey, 1; Schellpeper, 18.

PURPOSE: The purpose of this resolution is to study plans and develop legislation authorizing the Department of Agriculture to assume responsibility for the administration and enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act from the United States Environmental Protection Agency.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 305. Introduced by Conway, 17.

PURPOSE: The purpose of this resolution is to review election laws in conjunction with the new State Election Board proposed by Legislative Bill 1133, Ninety-second Legislature, Second Session, 1992, complete the rewrite of Legislative Bill 572, Ninety-second Legislature, First Session, 1991, and the recodification of Chapter 32 and other election laws.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 306. Introduced by Conway, 17.

PURPOSE: The purpose of this resolution is to review uniform compensation, per diems, and expenses for members of boards and commissions and to generally review how the state compensates persons serving on such boards, commissions, and other such bodies.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 307. Introduced by Conway, 17.

PURPOSE: The purpose of this study shall be to investigate the need for laws relating to the acquisition of title by museums of abandoned property left with museums.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 308. Introduced by Conway, 17.

PURPOSE: The purpose of this resolution is to study and review the Administrative Procedure Act to determine if there are needed changes to the act.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 1272. Mr. Lynch offered the following amendment:
AM3672

1. Insert the following new sections:

"Section 1. That section 77-1360.01, Revised Statutes Supplement, 1991, be amended to read as follows:

77-1360.01. The Legislature prescribes the method described in this section as an accurate and fair measure of the actual value of agricultural land and horticultural land for purposes of property taxation. The Department of Revenue shall collect market information of actual sales of agricultural land and horticultural land and shall collect information to determine net income per acre pursuant to section 77-1364. A market value as determined by the market information collected shall be divided into the net income per acre, which shall include price support programs, the Acreage Conservation Reserve Program, the Conserving Uses Program, wetlands and wildlife programs, and the Conservation Reserve Program, producing a market-derived capitalization rate. The department shall adjust the market-derived capitalization rates. The adjustment shall be an equal percentage across all categories of agricultural land and horticultural land. Beginning in tax year 1992, the adjustment shall be one hundred ~~twenty-five~~ seventeen and one-half percent of the market-derived capitalization rate so that the assessed value of agricultural land and horticultural land shall be ~~eighty~~ approximately eighty-five percent of market value. The actual value per acre shall be determined by taking the net income per acre and dividing it by the adjusted market-derived capitalization rate. The valuation of agricultural land and horticultural land shall be uniform and proportionate within the class of agricultural land and horticultural land.

Sec. 3. Sections 1, 3, and 4 of this act shall become operative on January 1, 1992. The other sections of this act shall become operative on their effective date.

Sec. 4. That original section 77-1360.01, Revised Statutes Supplement, 1991, is repealed.".

2. Strike AM3538 and all amendments thereto.

3. Renumber the remaining sections accordingly.

Messrs. Haberman and Schmit asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Lynch withdrew his pending amendment.

Mr. Lynch moved the previous question. The question is, "Shall the debate now close?" The motion lost with 12 ayes, 12 nays, and 25 not voting.

SPEAKER BAACK PRESIDING

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Lynch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 3 nays, and 21 not voting.

Mr. Bernard-Stevens moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Bernard-Stevens requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 24:

Abboud
Ashford
Bernard-Stevens
Beutler
Bohlke
Chambers
Chizek
Crosby
Cudaback
Haberman
Hall
Hartnett
Horgan
Landis
Lynch
Morrissey
Rasmussen
Robinson
Schimek
Schmit
Wesely
Wickersham
Will
Withem

Voting in the negative, 21:

Baack
Beyer
Byars
Coordsen
Elmer
Hefner
Hillman
Johnson, L.
Johnson, R.
Kristensen
Labedz
Lamb
Moore
Nelson
Peterson
Robak
Rogers
Schellpeper
Schrock
Warner
Wehrbein

Present and not voting, 2:

Conway	Pirsch

Excused and not voting, 2:

Dierks	Lindsay

Failed to advance to E & R for review with 24 ayes, 21 nays, 2 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 309. Introduced by Hall, 7.

PURPOSE: The purpose of this resolution is to study, examine, codify, and simplify the laws relating to the gasoline tax and the special fuels tax, as the taxes on gasoline and special fuels represent a significant portion of revenue collected in the state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Mr. Ashford asked unanimous consent to print the following amendment to LB 1272 in the Journal. No objections. So ordered.

AM3377

(Amendments to Standing Committee amendments, AM2728)

1. On page 1, line 9, after "83-108.04" insert "and is not participating in a special education

program".

VISITORS

Visitors to the Chamber were 24 students and teacher from Seward; 110 fourth grade students and teachers from Crete; 15 students and sponsor from Northeast Community College, Norfolk; group from Nebraska Council of Catholic Women from across the state; and 22 members of the Nebraska Retail Federation.

RECESS

At 11:45 a.m., on a motion by Mr. Moore, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:32 p.m., Speaker Baack presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Ashford, Bernard-Stevens, Conway, Dierks, Haberman, Robinson, Schmit, Schrock, Mmes. Bohlke, Labedz, Nelson, and Ms. Schimek who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 1257. Mr. Wesely offered the following amendment to the Standing Committee amendment:
AM3497

(Amendments to Standing Committee amendments, AM3060)

1. Insert the following new sections:

"Sec. 51. That section 81-1503, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1503. (1) The Environmental ~~Control~~ Quality Council is hereby created. The council shall consist of sixteen members to be appointed by the Governor with the advice and consent of the Legislature as follows:

(a) One representative of the food products manufacturing industry;

(b) One ~~, one~~ representative of conservation;

(c) One ~~, one~~ representative of the agricultural processing industry;

(d) One ~~, one~~ representative of the automotive or petroleum industry;

(e) One ~~, one~~ representative of the chemical industry;

(f) One ~~, one~~ representative of heavy industry;

(g) One ~~, one~~ representative of the power generating industry;

(h) One ~~, one~~ representative of agriculture actively engaged in crop production;

(i) One ~~, one~~ representative of labor;

(j) One ~~, one~~ professional engineer experienced in control of air and water pollution and solid wastes;

(k) One ~~, one~~ physician knowledgeable in the health aspects of air, water, and land pollution;

(l) One ~~, one~~ representative from county government;

(m) Two ~~, two~~ representatives from municipal government, one of whom shall represent cities other than those of the primary or metropolitan class;

(n) One ~~, one~~ representative of the livestock industry; and

(o) One ~~, and one~~ representative of the public at large.

(2) ~~Within thirty days after May 26, 1971, the Governor shall appoint the initial sixteen members to be appointed by him or her.~~ Members shall serve for terms of four years. ~~, except that of the members first appointed, eight shall be appointed for terms of two years and eight shall be appointed for terms of four years.~~ All appointments shall be subject to confirmation by the Legislature when initially made. As the ~~terms of the initial appointees to the council expire, succeeding appointees shall be representatives~~ term of an appointee to the council expires, the succeeding appointee shall be a representative of the same segment of the public as the previous appointee. In the case of ~~, and such successors shall be appointed to four-year terms, except~~ appointees to vacancies

occurring from unexpired terms, ~~in which case the~~ each successor shall serve out the term of his or her predecessor. Members whose terms have expired shall continue to serve until their successors have been appointed. All members shall be citizens and residents of the State of Nebraska.

(3) Members may be removed by the Governor for inefficiency, neglect of duty, or misconduct in office~~,~~ but only after delivering to the member a copy of the charges and affording him or her an opportunity to be publicly heard in person~~,~~ or by counsel, in his or her own defense, upon not less than ten days' notice. Such hearing shall be held before the Governor. When a member is removed, the Governor shall file, in the office of the Secretary of State, a complete statement of all charges made against such member and the findings thereon, together with a complete record of the proceedings.

(4) The council shall elect from its members a chairperson and a vice-chairperson, who shall hold office at the pleasure of the council. The vice-chairperson shall serve as chairperson in case of the absence or disability of the chairperson. The director shall serve as secretary of the council and shall keep all records of meetings of and actions taken by the council. He or she shall be promptly advised as to such actions by the chairperson.

(5) The members of the council, while engaged in the performance of their official duties, shall receive ~~compensation at the rate~~ a per diem of forty dollars ~~per day~~ while so serving, including travel time. In addition, members of the council shall receive reimbursement for actual and necessary expenses as provided in sections 81-1174 to 81-1177. ~~for state employees.~~

(6) The council shall hold at least four meetings, once each calendar quarter, at a time and place fixed by the council and shall keep a record of its proceedings~~,~~ which shall be open to the public for inspection. Special meetings may be called by the chairperson. Such special meetings must be called by him or her upon receipt of a written request signed by two or more members of the council. Written notice of

the time and place of all meetings shall be mailed in advance to the office of each member of the council by the secretary. ~~The~~ A majority of the members of the council shall constitute a quorum.

(7) The council shall submit to the Governor a list of names from which he or she shall appoint the Director of Environmental ~~Control,~~ Quality who shall be experienced in air, water, and land pollution control~~,~~ and who may be otherwise an employee of ~~the~~ state government. The director shall be responsible for administration of the department and all standards, rules, and regulations adopted pursuant to Chapter 81, article 15. All such standards, rules, and regulations shall be adopted by the council~~,~~ after consideration of the recommendations of the director. All grants to political subdivisions under the control of the department shall be made by the director in accordance with priorities established by the council. A majority of the members of the council shall constitute a quorum for the transaction of business. The affirmative vote of a majority of all members of the council shall be necessary for the adoption of standards, rules, and regulations.

(8) Before the director ~~shall enter~~ enters upon the duties of his or her office, he or she shall take and subscribe to the constitutional oath of office~~,~~ and shall, in addition thereto, swear and affirm that he or she holds no other public office nor any position under any political committee or party, ~~and~~ that he or she has not during the two years immediately prior to his or her appointment received a significant portion of his or her income directly or indirectly from permitholders or applicants for a permit under the Environmental Protection Act, and that he or she will not receive such income during his or her term as director, except that such requirements regarding income prior to the term of office shall not apply to employees of any agency of the State of Nebraska or any political subdivision which may be a permitholder under the Environmental Protection Act. Such oath and affirmation shall be filed with the Secretary of State.

Sec. 54. That section 81-1505.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1505.01. There is hereby created the Department of Environmental ~~Control~~ Quality Cash Fund which shall be used to pay the expenses of the department. ~~All fees collected by the department~~ The department shall remit all fees collected pursuant to subsection (9) of section 81-1505 and section 81-1521.09 ~~shall be paid into the state treasury and credited by~~ to the State Treasurer for credit to the fund. Any fee collected pursuant to section 81-1521.09 shall be used to pay the expenses related to the notice of intent for which the fee was paid. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269.

Any money in the Department of Environmental Control Cash Fund on the effective date of this act shall be transferred to the Department of Environmental Quality Cash Fund on such date.

Sec. 66. It is the intent of the Legislature that the phrase Environmental Quality be substituted wherever the phrase Environmental Control appears in sections 2-1504.02, 2-15,100, 2-3241, 2-4215, 2-4604, 46-2,109, 46-656, 46-657, 46-658, 46-663, 46-665, 46-673.03, 46-673.05, 46-674.02 to 46-674.07, 46-674.10 to 46-674.16, 46-674.18, 46-1102, 46-1107, 46-1108, 46-1109, 46-1217, 46-1227, 46-1302, 46-1303, 49-506, 60-2201, 60-2205, 66-1105, 66-1504, 66-1518, 66-1522, 66-1529.02, 69-2011, 77-27,150, 77-27,151, 77-27,152, 77-27,154, 81-1504.01, 81-1533, 81-1537, 81-1538, 81-1540, 81-1561, 81-1584, 81-1586, 81-1587, 81-15,118, 81-15,120, 81-15,123, 81-15,124, 81-15,124.01, 81-15,124.02, 81-15,125, 81-15,126, 81-15,127, 81-15,129, 81-15,145, 81-15,146, 81-15,149, 81-15,151, 81-15,153, 81-15,161, 81-15,166, 81-2602, and 88-550, the Revisor of Statutes shall substitute the phrase Environmental Quality.

The Revisor of Statutes shall prepare legislation for introduction in the next regular session of the Legislature to carry out the intent of this section.".

2. On page 4, lines 13, 20, and 22, strike "Control" and insert "Quality".

3. On page 33, line 13; page 38, lines 19 and

23; page 39, line 9; page 41, lines 15 and 16; page 42, lines 3 and 6; page 105, line 15; page 107, line 12; and page 109, line 14, strike "Control", show as stricken, and insert "Quality".

4. On page 45, line 17, after "restriction" insert ", including a schedule of compliance,"; and strike beginning with the comma in line 20 through line 21, show as stricken, and insert an underscored semicolon.

5. On page 46, line 19, strike "does", show as stricken, and insert "solid waste shall".

6. On page 47, line 9, strike "and the" and show as stricken; and in line 19 strike the first comma and show as stricken, strike "whose", show as stricken and insert "the", and after "depth" insert "of which".

7. On page 109, line 21, after the last comma insert "81-1503,"; and in line 22 after the first comma insert "81-1505.01,".

The Wesely amendment was adopted with 18 ayes, 1 nay, 18 present and not voting, and 12 excused and not voting.

Mr. Morrissey offered the following amendment to the Standing Committee amendment:
FA327

Amendment to AM3060

Page 2, strike the first occurrence of "Hazardous" in line 13 and insert "Unregulated hazardous".

Page 2, after the second occurrence of "wastes" in line 13, insert a comma and show as underscored.

Page 3, after "household" in line 1 and in line 5, insert 'and insert "unregulated" '.

Page 3, insert a comma after "wastes" in line 2 and in line 7 and show as underscored.

Mrs. Hillman asked unanimous consent to be excused until she returns. No objections. So ordered.

The Morrissey amendment was adopted with 18 ayes, 0 nays, 21 present and not voting, and 10 excused and not voting.

Mr. Horgan offered the following amendment to the Standing Committee amendment:

(Amendment on file in the Clerk's Office - Room 2018 - AM3635.)

Messrs. Conway and Kristensen asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Horgan moved the previous question. The question is, "Shall the debate now close?" The motion lost with 10 ayes, 11 nays, and 28 not voting.

Mrs. Pirsch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Horgan moved for a call of the house. The motion prevailed with 13 ayes, 1 nay, and 35 not voting.

Mr. Haberman requested a roll call vote on the Horgan amendment.

Voting in the affirmative, 27:

Ashford
Baack
Beutler
Beyer
Byars
Crosby
Elmer
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Johnson, R.
Landis
Lindsay
Moore
Peterson
Pirsch
Rasmussen
Robinson
Schellpeper
Schimek
Warner
Wehrbein
Wesely
Wickersham
Withem

Voting in the negative, 11:

Abboud
Chambers
Chizek
Conway
Haberman
Hall
Labedz
Lamb
Lynch
Nelson
Will

Present and not voting, 8:

Bernard-Stevens
Bohlke
Coordsen
Cudaback
Morrissey
Robak
Rogers
Schrock

Excused and not voting, 3:

Dierks
Kristensen
Schmit

The Horgan amendment was adopted with 27 ayes, 11 nays, 8 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Messrs. Chizek and Moore asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 310. Introduced by R. Johnson, 34; Wehrbein, 2.

PURPOSE: The purpose of this resolution is to examine the duties and responsibilities of the Nebraska Gasohol Committee and the Ethanol Authority and Development Board and to determine the efficiency and need for each.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

ATTORNEY GENERAL'S OPINION

Opinion No. 92050

DATE:	March 24, 1992
SUBJECT:	Constitutionality of LB 424, an act changing the requirements for certain petitions and petition circulators.
REQUESTED BY:	Senator Loran Schmit, Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
Steve Grasz, Deputy Attorney General

Legislative Bill 424 is an act relating to elections. Section 14 of LB 424 amends Neb.Rev.Stat. §32-705 (Cum.Supp. 1990). Subsection 14(3) provides: "Every sheet of every petition mentioned in sections 32-702 to 32-713.01 circulated by a paid circulator shall have upon it the following language in letters no smaller than sixteen-point type in a contrasting color from other print on the petition: This petition is circulated by a paid circulator." Subsection 14(4) provides: "Any person willfully and knowingly circulating a petition outside of the county in which he or she is registered to vote shall be guilty of a Class I misdemeanor."

In your letter of March 20, 1992, you requested an opinion as to whether LB 424 is constitutional "particularly with respect to the dramatic changes it makes, with the E Clause attached, in the area of paid petitioners and elimination of petitioners from soliciting signatures outside the borders of their own county under any circumstances."

Prohibition on Circulating Petitions
Outside of Circulator's County

We conclude section 14(4) of LB 424 is unconstitutional in that it violates the First Amendment of the Constitution of the United States and Article III, Sections 2-4, of the Nebraska Constitution.

In Meyer v. Grant, 486 U.S. 414 (1988)[1], the Supreme Court considered the constitutionality of a Colorado statute which contained an absolute ban on the compensation of petition circulators. The Court indicated that circulation of a petition involves core political speech which is protected by the First Amendment. The Court went on to state that the refusal to permit the sponsors of the petition to pay petition circulators impinged on political expression in two ways:

> First, it limits the number of voices who will convey appellees' message and the hours they can speak and, therefore, limits the size of the audience they can reach. Second, it makes it less likely that appellees will garner the number of signatures necessary to place the matter on the ballot, thus limiting their ability to make the matter the focus of statewide discussion.

Meyer v. Grant, 486 U.S. at 422, 423. The Court held the Colorado statute unconstitutional.

We believe Section 14(4) clearly limits the number of voices who will convey a petitioner's message and limits the size of the audience they can reach. Meyer, 486 U.S. at 423. Thus, it unconstitutionally impinges on political expression.

The next question involves the propriety of the proposed regulation of the initiative process by LB 424 under our state Constitution. In other words, does the bill impermissibly burden the initiative process or impermissibly involve the Legislature in that process under pertinent state constitutional provisions.

Article III, Section 4, of the Nebraska Constitution provides, in pertinent part, "{t}he provisions with respect to the initiative and referendum shall be self-executing, but legislation may be enacted to facilitate their operation." This constitutional provision means that the Legislature can enact reasonable statutes to prevent fraud or to render intelligible the purpose of a proposed law or constitutional amendment. State v. Swanson, 138 Neb. 597, 294 N.W. 200 (1940). Any statute which tends to ensure a fair, intelligent, and impartial result on the part of the electorate can be said to facilitate the exercise of the initiative power. Id. Legislation which would hamper, unnecessarily obstruct, or impede the initiative process, on the other hand, would be unconstitutional. State ex rel. Ayres v. Amsberry, 104 Neb. 273, 177 N.W. 179 (1920). We believe Section 14(4) impermissibly burdens and impedes the initiative process in violation of the Nebraska Constitution.

Identification of Paid Circulators

We believe the provision requiring identification of paid circulators is not clearly unconstitutional. This provision may make it less likely that petitioners will gather enough signatures, but it does not limit the size of the audience circulators can reach. This requirement arguably tends to ensure a fair, intelligent, and impartial result on the part of the electorate and could thus be said to facilitate the exercise of the initiative power.

[1] The reasoning and holding in Meyer were also adopted by the Nebraska Supreme Court in State v. Radcliffe, 228 Neb. 868, 424 N.W.2d 608 (1988).

Sincerely yours,
DON STENBERG
Attorney General
(Signed) Steve Grasz
Deputy Attorney General

3-605-3

MESSAGE FROM THE SECRETARY OF STATE

March 13, 1992

Patrick J. O'Donnell
Clerk of the Legislature

State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

This letter is to acknowledge receipt of Legislative Resolution 219CA. It was delivered to my office on March 12, 1992 at 2:47 P.M.

Please be advised that this Constitutional Amendment was delivered in time to be included on the May 12, 1992 Primary Election (Special) as directed in the resolution.

Also please be advised that the Constitutional Amendment has been prepared by my office for inclusion on the ballot for the May Primary Election (Special), and has been certified in a timely manner to the 93 county clerks and/or election commissioners.

Please insert a copy of this letter in the official Legislative Journal.

Respectively acknowledged,
(Signed) ALLEN J. BEERMANN
Secretary of State-Nebraska

AJB:lat

UNANIMOUS CONSENT - Print in Journal

Messrs. Wickersham and Beutler asked unanimous consent to print the following amendment to LB 1000 in the Journal. No objections. So ordered.

AM3655

(Amendments to Final Reading copy)

1. Insert the following new section:

"Sec. 2. That section 30-3205, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

30-3205. (1) A fiduciary holding funds for investment may invest such funds in securities of, or other interests in, any open-end or closed-end management-type investment company or investment trust registered pursuant to the federal Investment Company Act of 1940, as amended, if a court order, will, agreement, or other instrument creating or defining the investment powers of the fiduciary directs, requires, authorizes, or permits the investment of such funds in any of the following: ~~(1)~~ (a) Such investments as the fiduciary may, in his or her discretion, select; ~~(2)~~ (b) investments generally, other than those in which fiduciaries are by law authorized to invest trust funds; and ~~(3)~~ (c) United States Government obligations if the portfolio of such investment company or investment trust is limited to United States Government obligations and to repurchase agreements fully collateralized by such obligations and if such investment company or investment trust takes delivery of the collateral, either directly or through an authorized custodian.

(2) A bank or trust company acting as a fiduciary, agent, or otherwise may, in the exercise of its investment discretion or at the direction of another person authorized to direct investment of funds held by the bank or trust company as a fiduciary, invest and reinvest interests in the securities of an open-end or closed-end management-type investment company or investment trust registered pursuant to the federal Investment Company Act of 1940, as amended, or may retain, sell, or exchange such interests so long as the portfolio of the investment company or investment trust as an entity consists substantially of investments not prohibited by the instrument governing the fiduciary relationship. The fact that the bank or trust company or an affiliate of the bank or trust company provides services to the investment company or investment trust, such as that of an investment advisor, custodian, transfer agent, registrar, sponsor, distributor, manager, or otherwise, and is receiving reasonable compensation for the services shall not preclude the bank or trust company from investing, reinvesting, retaining, or exchanging any interest held by the trust estate in the securities of any open-end or closed-end management-type investment company or investment trust registered pursuant to the federal Investment Company Act of 1940, as amended, except that the bank or trust company or affiliate of the bank or trust company shall not receive any compensation for providing such services to the investment company or investment trust to the extent it receives any fees or compensation for providing substantially similar services in the investing, reinvesting, retaining, or exchanging of any interest held by the trust estate in the securities of

such investment company or investment trust when acting as a fiduciary, agent, or otherwise, unless otherwise consented to in writing by the creator of the trust or by the affected beneficiary.

Sec. 3. That section 42-358, Revised Statutes Supplement, 1991, be amended to read as follows:

42-358. (1) The court may appoint an attorney to protect the interests of any minor children of the parties. Such attorney shall be empowered to make independent investigations and to cause witnesses to appear and testify on matters pertinent to the welfare of the children. The court shall by order fix the fee, including disbursements, for such attorney, which amount shall be taxed as costs and paid by the parties as ordered. If the court finds the party responsible is indigent, the court may order the county to pay the costs.

(2) Following entry of any decree, the court having jurisdiction over the minor children of the parties may at any time appoint an attorney, as friend of the court, to initiate contempt proceedings for failure of any party to comply with an order of the court directing such party to pay temporary or permanent child support. The county attorney or authorized attorney may be appointed by the court for the purposes provided in this section.

~~(2)~~ (3) The clerk of each district court shall maintain child support orders and delinquency records by the sums due to the court-ordered payee, except as provided in section 43-512.07, in each case docketed in which child support is fixed by order of the court. For support orders in all cases issued before September 6, 1991, and for support orders issued or modified on or after September 6, 1991, in cases in which no party has applied for services under Title IV-D of the Social Security Act, as amended, each month the clerk shall certify all cases in which the court-ordered child support or spousal support is delinquent in an amount equal to the support due and payable for a one-month period of time to the judge presiding over domestic relations cases and to the county attorney or authorized attorney. A rebuttable presumption of contempt shall be established if a prima facie showing is made that the court-ordered child or spousal support is delinquent. In cases in which one of the parties receives services under Title IV-D of the Social Security Act, as amended, the clerk shall certify all support orders issued or modified on or after September 6, 1991, to the county attorney or authorized attorney.

In each case certified, income withholding shall be implemented pursuant to the Income Withholding for Child Support Act. If income withholding is not feasible and no other action is pending for the collection of support payments, the court shall appoint an attorney to commence contempt of court proceedings. If the county attorney or authorized attorney consents, he or she may be appointed for such purpose. The contempt proceeding shall be instituted within ten days following appointment, and the case shall be diligently prosecuted to completion. The court shall by order fix the fee, including disbursements, for such attorney, which amount shall be taxed as costs and paid by the parties as ordered. Any fees allowed for the services of any county attorney or authorized attorney shall be paid to the Department of Social Services when there is an assignment of support to the department pursuant to section 43-512.07 or when an application for child support services is on file with a county attorney or authorized attorney. If the court finds the party responsible is indigent, the court may order the county to pay the costs.

~~(3)~~ (4) If, at the hearing, the person owing child or spousal support is called for examination as an adverse party and such person refuses to answer upon the ground that his or her testimony may be incriminating, the court may, upon the motion of the county attorney or authorized attorney, require the person to answer and produce the evidence. In such a case the evidence produced shall not be admissible in any criminal case against such person nor shall any evidence obtained because of the knowledge gained by such evidence be so admissible.

~~(4)~~ (5) The court may order access to all revenue information maintained by the Department of Revenue or other agencies concerning the income of persons liable or who pursuant to this section and sections 42-358.08 and 42-821 may be found liable to pay child or spousal support payments.

~~(5)~~ (6) Any person aggrieved by a determination of the court may appeal such decision to the Court of Appeals.".

2. On page 1, line 1, strike "persons under disability" and insert "minors and fiduciaries"; in line 2 strike "section 30-2603" and insert "sections 30-2603 and 30-3205"; in line 3 after "1943" insert ", and section 42-358, Revised Statutes Supplement, 1991"; in line 5 after the semicolon insert "to provide for the investment or reinvestment of interests in certain securities by banks acting as fiduciaries; to provide attorney's fees for attorneys for certain minor children as prescribed;"; and in line 6 strike "section" and insert "sections".

3. On page 3, line 11, strike "section 30-2603" and insert "sections 30-2603 and 30-3205"; and in line 12 strike "is" and insert "and section 42-358, Revised Statutes Supplement, 1991, are".

4. Renumber the remaining section accordingly.

GENERAL FILE

LEGISLATIVE BILL 1257. Mr. Chambers withdrew his pending amendment, FA325, found in the Journal on page 1528.

Mr. Chambers offered the following amendment to the Standing Committee amendment:
FA328

Amend Committee Amendments (Horgan Amendment AM3635)

Page 11, line 2; put a period after "fee" and strike, "and for promoting recycling."

The Chambers amendment was adopted with 12 ayes, 1 nay, 31 present and not voting, and 5 excused and not voting.

Mr. R. Johnson requested a division of the question on the Standing Committee amendment, as amended.

The Chair sustained the division of the question.

The first Standing Committee amendment, as amended, is as follows:
FA329

Sec. 33. After October 1, 1993, no person shall dump or deposit any solid waste at any place other than a landfill approved by the director unless the department has granted a permit which allows the dumping or depositing of solid waste at any other facility. The council may adopt rules and regulations regarding the permitting of this activity, which rules and regulations shall protect the public interest but may be based upon criteria less stringent than those regulating a landfill. The council may adopt rules and regulations exempting from permit requirements under this section (1) the use of dirt, stone, brick, or some inorganic compound for landfill, landscaping excavation, or grading purposes, (2) the placement of tires, posts, or ferrous objects, not contaminated with other wastes, for bank or blowout stabilization, or (3) such other waste placement or depositing activities that are found not to pose a threat to the public health or welfare.

Messrs. Haberman, Schellpeper, Coordsen, and Lamb asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Morrissey moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. R. Johnson requested a roll call vote on the first Standing Committee amendment, as amended.

Voting in the affirmative, 26:

Abboud
Ashford
Beutler
Beyer
Bohlke
Conway
Crosby
Hall
Hartnett
Hillman
Horgan
Labedz
Landis
Lindsay
Morrissey
Pirsch
Rasmussen
Robak
Robinson
Rogers
Schimek
Warner
Wehrbein
Wesely
Will
Withem

Voting in the negative, 13:

Baack
Bernard-Stevens
Cudaback
Dierks
Hefner
Johnson, L.
Johnson, R.
Kristensen

Moore
Nelson
Schmit
Schrock
Wickersham

Present and not voting, 5:

Byars
Chambers
Elmer
Lynch
Peterson

Excused and not voting, 5:

Chizek
Coordsen
Haberman
Lamb
Schellpeper

The first Standing Committee amendment, as amended, was adopted with 26 ayes, 13 nays, 5 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

The second Standing Committee amendment, as amended, is as follows:
FA330

Sec. 39. (1) On and after September 1, 1994, land disposal of yard waste shall be prohibited, except that yard waste which has been separated at its source from other solid waste may be accepted by a landfill for the purpose of soil conditioning or composting. State and local governmental entities responsible for the maintenance of public lands shall give preference to the use of composted materials in all land maintenance activities. Nothing in this section shall be construed to prohibit the use of yard waste as land cover or as soil-conditioning material.

(2) On and after September 1, 1994, land disposal of lead-acid batteries and waste oil shall be prohibited.

(3) On and after September 1, 1995, land disposal of waste tires shall be prohibited, except for waste tires processed in a manner established by the department. A landfill shall not refuse to accept a waste tire which has been properly processed.

(4) On and after September 1, 1995, land disposal of discarded household appliances shall be prohibited.

(5) On and after September 1, 1996, land disposal of household hazardous wastes shall be prohibited unless such disposal occurs at a licensed hazardous waste disposal facility.

For purposes of this section, land disposal shall include, but not be limited to, incineration at a landfill.

MR. WARNER PRESIDING

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

PRESIDENT MOUL PRESIDING

Messrs. Kristensen and Will asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Lindsay moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Morrissey moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. R. Johnson requested a roll call vote on the second Standing Committee amendment, as amended.

Voting in the affirmative, 27:

Abboud
Ashford
Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Crosby
Hall
Hartnett
Hillman
Horgan
Lindsay
Lynch
Morrissey
Nelson
Pirsch
Rasmussen
Robak
Robinson
Rogers
Schimek
Warner
Wehrbein
Wesely
Wickersham
Withem

Voting in the negative, 10:

Conway
Cudaback
Elmer
Hefner
Johnson, R.
Kristensen
Labedz
Moore
Schmit
Schrock

Present and not voting, 5:

Byars
Chambers
Dierks
Johnson, L.
Peterson

Excused and not voting, 7:

Chizek
Coordsen
Haberman
Lamb
Landis
Schellpeper
Will

The second Standing Committee amendment, as amended, was adopted with 27 ayes, 10 nays, 5 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

The third Standing Committee amendment, as amended, is as follows:
FA331
Sections 1 through 32, 34 through 38, and 40 through 64 of the Standing Committee amendment.

Mrs. Labedz asked unanimous consent to be excused. No objections. So ordered.

Mr. R. Johnson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

The third Standing Committee amendment, as amended, was adopted with 28 ayes, 1 nay, 12 present and not voting, and 8 excused and not voting.

Mr. Ashford asked unanimous consent to be excused. No objections. So ordered.

Mr. Morrissey requested a record vote on the advancement of the bill.

Voting in the affirmative, 39:

Abboud
Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Byars
Conway
Coordsen
Crosby
Dierks
Elmer
Hall
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Kristensen
Landis
Lindsay
Lynch
Moore
Morrissey
Nelson
Peterson
Pirsch
Rasmussen
Robak
Robinson
Rogers
Schellpeper
Schimek
Schrock
Warner
Wehrbein
Wesely
Wickersham
Withem

Voting in the negative, 0.

Present and not voting, 4:

Chambers Cudaback Johnson, R. Schmit

Excused and not voting, 6:

Ashford Haberman Labedz Lamb Will
Chizek

Advanced to E & R for review with 39 ayes, 0 nays, 4 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 1257A. Title read. Considered.

Mr. Morrissey offered the following amendment:
AM3591

1. On page 2, lines 14 and 15, strike "$1,750,000" and insert "$1,094,063".

Messrs. Kristensen and Elmer asked unanimous consent to be excused. No objections. So ordered.

The Morrissey amendment was adopted with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Messrs. Withem and Ashford asked unanimous consent to print the following amendment to LB 1238 in the Journal. No objections. So ordered.

AM3682

1. Insert the following new section:

"Section 1. That section 79-445, Revised Statutes Supplement, 1991, be amended to read as follows:

79-445. The school board or board of education may admit nonresident pupils to the school district, ~~school,~~ may determine the rate of tuition of the pupils, and shall collect such tuition in advance.

When the pupil as a ward of the state or as a ward of any court (1) has been placed in a public school district other than the district in which he or she resided at the time he or she became a ward and such ward does not reside in a foster family home licensed or approved by the Department of Social Services or a foster home maintained or used by the Department of Correctional Services pursuant to section 83-108.04 or (2) has been placed in any institution which maintains a special education program which has been approved by the State Department of Education and such institution is not owned or operated by the pupil's resident school district, the cost of his or her education and the required transportation costs associated with the child's education shall be paid by the state but not in advance to the receiving school district or approved institution or paid to the county nonresident high school tuition fund under rules and regulations prescribed by the Department of Social Services. Any pupil who is a ward of the state or a ward of any court who resides in a foster family home licensed or approved by the Department of Social Services or a foster home maintained or used by the Department of Correctional Services pursuant to section 83-108.04 shall be deemed a resident of the district in which the foster family home or foster home is located. In the case of any individual eighteen years of age or younger who is a ward of the state or any court and who is placed in a county detention home as established under section 43-2,110, the cost of his or her education shall be paid by the state, regardless of such individual's district of residency, to the agency or institution which: (1) Is selected by the county board with jurisdiction over such detention home; (2) has agreed or contracted with such county board to provide educational services; and (3) has been approved by the State Department of Education pursuant to rules and regulations prescribed by the State Board of Education. No tuition shall be charged for children who may be by law allowed to attend the school without charge. The public school district in which the parent or guardian of any nonresident pupil maintains his or her legal residence shall not be liable for the payment of tuition fees and the children of school age of such parent or guardian shall be entitled to free common school privileges the same as any child who is a bona fide resident of such school district whenever the parent or guardian of such nonresident pupil, having entered the public service of the State of Nebraska, has removed from the school district in which he or she maintains legal residence into another school district for temporary purposes incidental to serving the state, without the intention of making the school district to which the parent or guardian has removed his or her legal residence. No tuition shall be charged for a child whose parents are divorced if such child attends school in a district in which either parent resides. The burden of proof as to legal residence shall rest with the person claiming legal residence in any district. The school district may allow a pupil whose residency in the district ceases during a school year to continue attending school for the remainder of that school year without payment of tuition.

The school board or board of education may admit nonresident pupils to the ~~district~~ school district without requiring the payment of tuition if such pupils are in the actual physical custody of a resident of the school district and are not residents of an adjoining school district and the school board or board of education determines that the pupils would otherwise be denied guaranteed free common school privileges.".

2. On page 5, line 8, strike "section" and insert "sections 79-445 and"; and in line 9 strike "is" and insert "are".

3. Renumber the remaining sections accordingly.

Mr. Lindsay asked unanimous consent to print the following amendment to LB 1192 in the Journal. No objections. So ordered.

AM3639

(Amendment to Standing Committee amendments, AM3014)

1. On page 6, strike lines 21 through 24, show the old matter as stricken, and insert "From each one dollar and seventy-five cents of tax collected pursuant to section 76-901, the register of deeds shall retain fifty cents to be placed in the county general

fund and shall remit the balance to the State Treasurer who shall credit one dollar of such amount to the state General Fund and twenty-five cents of such amount to the Homeless Shelter Assistance Trust Fund.".

2. On page 7, strike lines 1 through 5 and show the old matter as stricken.

Messrs. Landis and Kristensen asked unanimous consent to print the following amendment to LB 728 in the Journal. No objections. So ordered.

AM3577

(Amendments to Standing Committee amendments, AM2403)

1. Strike sections 4 to 6 and insert the following new sections:

"Sec. 4. (1) In any proceeding under Chapter 30, 42, or 43 in which the parenting of minor children is in issue, subsequent to the initial filing or upon filing of an application for modification of a decree, the parties shall be notified and shall receive information about mediation and its application in divorce and parenting matters, as well as its availability through the state mediation centers as established through the Office of Dispute Resolution. Development of informational materials and the implementation of this subsection shall be accomplished through the office.

(2) A free introductory mediation interview with one of the parties, conducted by telephone or in person, may be requested by a party through a state mediation center as established by the office. Center staff shall be trained in domestic violence and determine the appropriateness of the case for mediation. Screening guidelines and safety procedures for cases involving child abuse, spouse abuse, or both shall be devised by the office. If both parties consent, a joint interview may follow individual interviews. If the case is determined appropriate for mediation and both parties voluntarily agree to mediation, the case may be scheduled for future mediation sessions.

Sec. 5. (1) A mediator under the Parenting Act shall be approved by a state mediation center as established through the Office of Dispute Resolution or under a conciliation court. To qualify as a mediator, a person shall have a minimum of thirty hours of basic mediation training and thirty hours of family mediation training and shall have served as an apprentice to an experienced mediator as defined in section 25-2903.

(2) A mediator who performs mediation in family matters shall also meet the following standards:

(a) Knowledge of the court system and procedures used in contested family matters;

(b) General knowledge of Nebraska family law, especially regarding custody, visitation, and support;

(c) Knowledge of other resources in the state to which parties and children can be referred for assistance; and

(d) General knowledge of child development, clinical issues relating to children, the effects of marriage dissolution on children, parents, and extended families, and the psychology of families.

(3) No mediator who represents or has represented any of the parties or has had either of the parties as a client may mediate the case. If such services have been provided to both participants, mediation shall not proceed unless the prior relationship has been discussed, the role of the mediator has been made distinct from the earlier relationship, and the participants have been given the opportunity to fully choose to proceed. All other potential conflicts of interest shall be disclosed and discussed before the parties shall decide whether to proceed with mediation.

Sec. 6. With the consent of both parties, a court may make an order referring a case to mediation and stating a date for the case to return to court, but such date shall be no longer than ninety days from the date the order is signed unless the court grants an extension.".

2. On page 7, strike beginning with "With" in line 5 through the period in line 6.

3. On page 12, line 24, after "Act" insert ", if a parenting plan has been so developed,".

4. On page 14, strike beginning with "in" in line 14 through "plan" in line 15.

RESOLUTIONS

LEGISLATIVE RESOLUTION 311. Introduced by Ashford, 6.

WHEREAS, the number of hate crimes and incidents of institutional vandalism committed in Nebraska and elsewhere is increasing dramatically; and

WHEREAS, the terrible effects and costs of these heinous crimes are often incalculable; and

WHEREAS, many states currently have or are implementing legislation to eliminate hate crimes and institutional vandalism; and

WHEREAS, in order for the Legislature to conduct an informed debate of future "Hate Crimes" legislation, current data and current public input is required; and

WHEREAS, an interim study is needed for the Legislature to compile data on hate crimes and institutional vandalism in Nebraska, study constitutional issues of proposed hate crimes legislation, and gather input through hearings regarding proposed hate crimes legislation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That Judiciary Committee of the Legislature shall be designated to conduct an interim study to gather data and opinions regarding hate crimes and institutional vandalism and study the constitutionality of such legislation.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 312. Introduced by Ashford, 6.

WHEREAS, the number of gun-related deaths and injuries to children in Nebraska is escalating; and

WHEREAS, an increasing number of these gun-related injuries and deaths are accidental and preventable through gun safety education; and

WHEREAS, the need for gun safety education for our children has never been greater; and

WHEREAS, approximately fifty percent of the households in Nebraska currently have guns; and

WHEREAS, it is vitally important to educate our children on gun safety whether they live in homes with guns or homes without guns in them.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to determine the impact of gun injuries and deaths on children and families in Nebraska and to examine the possibilities of formulating, developing, and implementing such gun safety information in our educational system.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 313. Introduced by Ashford, 6.

WHEREAS, the issue of the escalating number of guns found on or near Nebraska's school premises is of vital importance to all Nebraskans; and

WHEREAS, an April 1991 study of 9-12th grade students in Lancaster county indicated that nearly six percent of those students surveyed had carried a gun during the thirty days prior to the study; and

WHEREAS, the safety of our school children has always been a priority; and

WHEREAS, the number of gangs and the amount of gang-related gun violence has increased dramatically in Nebraska, thus putting our school children at risk; and

WHEREAS, the issue of guns and gun-related violence in and near our schools, directly affects the safety of our most precious commodity, our children; and

WHEREAS, in order for the Legislature to effectively and informatively deal with this problem, it is necessary to gather current data and other information relating to guns on and near out schools.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study on the issue of guns found in Nebraska schools and investigate gun-related violence in and near our schools.
2. Such study shall include, but not be limited to: Complication of the last four years reported incidents of guns found on school property; relevant surveys of school children's opinions regarding safety in their

schools, if warranted; and hearings that will gather testimony of school officials, teachers, police, parents, and other interested persons.

3. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 314. Introduced by Ashford, 6.

WHEREAS, the issue of patrolling the portion of the national System of Interstate and Defense Highways that are located within city limits of Nebraska cities greatly affects the safety of persons traveling on such interstate and also affects safety and financial concerns of persons residing in the affected cities; and

WHEREAS, there does exist some confusion and disagreement as to the patrolling jurisdiction of the interstate; and

WHEREAS, proper and adequate funding is necessary to facilitate whichever law enforcement entity is responsible for such patrolling; and

WHEREAS, the Legislature is always interested in sponsoring more effective and efficient use of tax funds.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to examine the present situation involving patrolling portions of the interstate located within city limits of Nebraska cities.

2. That this study shall ascertain and solicit suggestions and opinions from officials of such affected cities, officials of the Nebraska State Patrol, and other interested persons regarding who should be responsible for patrolling the interstate. Such opinions, ideas, and suggestions shall include, but not be limited to, more efficient and effective methods of patrolling the portions of the interstate located within city limits.

3. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

VISITORS

Visitors to the Chamber were 34 first through sixth grade students and teachers from Ames.

ADJOURNMENT

At 5:37 p.m., on a motion by Speaker Baack, the Legislature adjourned until 8:00 a.m., Wednesday, March 25, 1992.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-NINTH DAY - MARCH 25, 1992

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

NINETY-SECOND LEGISLATURE
SECOND SESSION

FORTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 25, 1992

Pursuant to adjournment, the Legislature met at 8:03 a.m., Speaker Baack presiding.

PRAYER

The prayer was offered by Pastor Janine Morairty, Eastridge Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Ashford, Bernard-Stevens, Chambers, Chizek, Hall, R. Johnson, Landis, Moore, Schmit, Schrock, Mmes. Labedz, Pirsch, and Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-eighth day was approved.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1241A. Introduced by Peterson, 21.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1241, Ninety-second Legislature, Second Session, 1992; and to declare an emergency.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 556. Placed on Select File as amended.
(E & R amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM5280.)

(Signed) Eric Will, Chairperson

SELECT FILE

LEGISLATIVE BILL 872. E & R amendment, AM5273, found in the Journal on page 1470, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1178. E & R amendment, AM5270, found in the Journal on page 1304, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1178A. Advanced to E & R for engrossment.
LEGISLATIVE BILL 1057. Advanced to E & R for engrossment.

LEGISLATIVE BILL 1241. E & R amendment, AM5276, found in the Journal on page 1505, was adopted.

Mr. Peterson offered the following amendment:
AM3692

1. Insert the following new section:

"Sec. 2. That section 39-1320, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-1320. (1) The department is hereby authorized to acquire, either temporarily or permanently, lands, real or personal property or any interests therein, or any easements deemed to be necessary or desirable for present or future state highway purposes by gift, agreement, purchase, exchange, condemnation, or otherwise. Such lands or real property may be acquired in fee simple or in any lesser estate. It is the intention of the Legislature that all property leased or purchased from the owner shall receive a fair price.

(2) State highway purposes, as referred to in subsection (1) of this section or otherwise in sections 39-1301 to 39-1362, shall include provision for, but shall not be limited to, the following:

(a) The construction, reconstruction, relocation, improvement, and maintenance of the state highway system. The right-of-way for such highways shall be of such width as is deemed necessary by the department;

(b) Adequate drainage in connection with any highway, cuts, fills, or channel changes and the maintenance thereof;

(c) Controlled-access facilities, including air, light, view, and frontage and service roads to highways;

(d) Weighing stations, shops, ~~offices,~~ storage buildings and yards, and road maintenance or construction sites;

(e) Road material sites, sites for the manufacture of road materials, and access roads to such sites;

(f) The preservation of objects of attraction or scenic value adjacent to, along, or in close proximity to highways and the culture of trees and flora which may increase the scenic beauty of such highways;

(g) Roadside areas or parks adjacent to or near any highway;

(h) The exchange of property for other property to be used for rights-of-way or other purposes set forth in subsection (1) or (2) of this section if the interests of the state will be served and acquisition costs thereby reduced;

(i) The maintenance of an unobstructed view of any portion of a highway so as to promote the safety of the traveling public;

(j) The construction and maintenance of stock trails and cattle passes;

(k) The erection and maintenance of marking and warning signs and traffic signals;

(l) The construction and maintenance of sidewalks and highway illumination;

(m) The control of outdoor advertising which is visible from the nearest edge of the right-of-way of the National System of Interstate and Defense Highways and all federal-aid primary roads, to the end that this state may comply with the provisions of 23 U.S.C. 131, as amended; and

(n) The relocation of~~,~~ or giving assistance in the relocation of individuals, families, businesses, or farm operations occupying premises acquired for state highway or federal-aid road purposes.

(3) The procedure to condemn property, authorized by subsection (1) of this section or elsewhere in sections 39-1301 to 39-1362, shall be exercised in the manner set forth in sections 76-704 to 76-724~~,~~ or as provided by section 39-1323, as the case may be.".

2. On page 3, line 18, after the period insert "The State Building Administrator shall report to the Executive Board of the Legislative Council a detailed analysis of the estimated cost to provide safe and comfortable office space in the Stone Office Building that conforms to applicable building and fire codes on or before July 1, 1992. If the cost exceeds the appropriation provided in this section, the executive board shall determine whether or not the project should be completed."; and in line 20 after the period insert "Until June 30, 1993, the Department of Administrative Services shall be limited to the same rental rate as existed on January 1, 1992. The Department of Social Services shall be limited to reimbursement from the counties maintaining office space in the Stone Office Building pursuant to section 68-130 to the same amount such counties paid for rental of such space on January 1, 1992.".

3. On page 28, line 22, after "parties" insert "subject to section 81-1108.22".

4. On page 30, after line 14 insert the following new paragraph:

"Subdivisions (a) and (f) of this subsection shall not apply to (i) state-owned facilities to be rented to state agencies or other parties by the University of Nebraska, the Nebraska state colleges, the Department of Aeronautics, the Department of Roads, and the Board of Educational Lands and Funds, (ii) facilities to be leased for use by the University of Nebraska, the Nebraska state colleges, and the Board of Educational Lands and Funds, or (iii) facilities to be leased for nonoffice use by the Department of Roads.".

5. On page 32, line 4, strike "renovation" and insert "cost-effective renovation, as determined by the division,"; and in line 10 strike "23 and 24" and insert "24 and 25".

6. On page 33, line 6, strike "renovation" and insert "cost-effective renovation, as determined by the division,".

7. On page 35, line 6, after the period insert "This subsection shall not apply to (a) state-owned facilities to be rented to state agencies or other parties by the University of Nebraska, the Nebraska state colleges, the Department of Aeronautics, the Department of Roads, and the Board of Educational Lands and Funds, (b) facilities to be leased for use by the University of Nebraska, the Nebraska state colleges, and the Board of Educational Lands and Funds, or (c) facilities to be leased for nonoffice use by the Department of Roads.".

8. On page 44, line 7, after "purchase" insert "unless the purchase is made to evade the dollar limitation in this section and additional unapproved purchases will be made which, when considered together, would exceed the dollar limitation"; and in line 8 after "sections" insert "39-1320,".

9. Renumber the remaining sections accordingly.

The Peterson amendment was adopted with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 360. E & R amendment, AM5269, printed separately from the Journal and referred to on page 1319, was adopted.

Mr. Will withdrew his pending amendment, AM3340, found in the Journal on page 1248.

Mr. Coordsen renewed his pending amendment, AM3382, printed separately from the Journal and referred to on page 1313.

The Coordsen amendment was adopted with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

Mr. Lindsay asked unanimous consent to replace his pending amendment, AM3522, found in the Journal on page 1414, with a substitute amendment. No objections. So ordered.

Mr. Lindsay withdrew his pending amendment, AM3522, found in the Journal on page 1414.

Mr. Lindsay offered the following substitute amendment:
AM3582

(Amendments to AM3382)

1. On page 7, line 2, after "payments", insert ", including medical payments subject to section 48-120,"; in line 3 after "disability" insert "or of the obligation for medical payments"; in line 4 after "payment" insert "of compensation or medical payments subject to section 48-120"; in line 5 after "injury" insert "or neglects to pay medical payments subject to such section after thirty days' notice has been given of the obligation for medical payments".

2. On page 8, line 13, after "section" insert "for delinquent payments of compensation or medical payments".

Mr. Conway asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Lindsay moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. Lindsay requested a roll call vote on his amendment.

Voting in the affirmative, 19:

Ashford
Baack
Bernard-Stevens
Beutler
Bohlke
Byars
Hartnett
Labedz
Landis
Lindsay
Lynch
Morrissey
Rasmussen
Rogers
Schellpeper
Schimek
Wesely
Will
Withem

Voting in the negative, 15:

Beyer
Coordsen
Cudaback
Elmer
Haberman
Hefner
Hillman
Horgan
Johnson, L.
Kristensen
Lamb
Robinson
Warner
Wehrbein
Wickersham

Present and not voting, 7:

Crosby
Dierks
Johnson, R.
Nelson
Peterson
Robak
Schrock

Excused and not voting, 8:

Abboud
Chambers
Chizek
Conway
Hall
Moore
Pirsch
Schmit

The Lindsay amendment lost with 19 ayes, 15 nays, 7 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Mr. Will asked unanimous consent to replace his pending amendment, AM3487, found in the Journal on page 1429, with a substitute amendment. No objections. So ordered.

Mr. Will withdrew his pending amendment, AM3487, found in the Journal on page 1429.

Mr. Will offered the following substitute amendment:
AM3693

(Amendments to AM3382)

1. Insert the following new section:

"Sec. 3. That section 48-151, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-151. Throughout the Nebraska Workers' Compensation Act, the following words and phrases as used therein shall be considered to have the following meaning, respectively, unless the context shall clearly indicate a different meaning in the construction used:

(1) The term physician shall include surgeon and in either case shall mean one legally authorized to

practice his or her profession within the State of Nebraska and who is in good standing in his or her profession at the time;

(2) The word accident as used in the Nebraska Workers' Compensation Act shall, unless a different meaning is clearly indicated by the context, be construed to mean an unexpected or unforeseen injury happening suddenly and violently, with or without human fault, and producing at the time objective symptoms of an injury. The claimant shall have a burden of proof to establish by a preponderance of the evidence that such unexpected or unforeseen injury was in fact caused by the employment. There shall be no presumption from the mere occurrence of such unexpected or unforeseen injury that the injury was in fact caused by the employment;

(3) The term occupational disease shall mean only a disease which is due to causes and conditions which are characteristic of and peculiar to a particular trade, occupation, process, or employment, including cumulative trauma, and shall exclude all ordinary diseases of life to which the general public is exposed;

(4) The terms injury and personal injuries shall mean only violence to the physical structure of the body and such disease or infection as naturally results therefrom. The terms shall include disablement resulting from occupational disease arising out of and in the course of the employment in which the employee was engaged and which was contracted in such employment. The terms shall include an aggravation of a preexisting occupational disease, the employer being liable only for the degree of aggravation of the preexisting occupational disease. The terms shall not be construed to include disability or death due to natural causes but occurring while the employee is at work, nor to mean an injury, disability, or death that is the result of a natural progression of any preexisting condition;

(5) Death, when mentioned as a basis for the right to compensation, shall mean only death resulting from such violence and its resultant effects or from occupational disease;

(6) Without otherwise affecting either the meaning or the interpretation of the abridged clause, personal injuries arising out of and in the course of

employment, it is hereby declared: Not to cover workers except while engaged in, on, or about the premises where their duties are being performed, or where their service requires their presence as a part of such service at the time of the injury, and during the hours of service as such workers, and not to cover workers who, on their own initiative, leave their line of duty or hours of employment for purposes of their own;

(7) For the purpose of the Nebraska Workers' Compensation Act, willful negligence shall consist of (a) deliberate act, (b) such conduct as evidences reckless indifference to safety, or (c) intoxication at the time of the injury, such intoxication being without the consent, knowledge, or acquiescence of the employer or the employer's agent; and

(8) Whenever in the Nebraska Workers' Compensation Act the singular is used, the plural shall be included; when the masculine gender is used, the feminine shall be included.".

2. On page 22, line 21, strike "13" and insert "14".

3. On page 23, line 8, after the comma insert "48-151,".

4. Renumber the remaining sections accordingly.

Messrs. Haberman, Cudaback, Dierks, Rogers, and Conway asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Withem moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Will moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Mr. Will requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Abboud
Bernard-Stevens
Bohlke
Byars
Chambers
Hartnett
Hillman
Horgan

Labedz	Lynch	Schimek	Wesely	Will
Landis	Morrissey	Schmit	Wickersham	Withem
Lindsay	Robak			

Voting in the negative, 13:

Ashford	Elmer	Johnson, R.	Moore	Robinson
Baack	Hefner	Kristensen	Peterson	Schrock
Beyer	Johnson, L.	Lamb		

Present and not voting, 7:

Beutler	Crosby	Schellpeper	Warner	Wehrbein
Coordsen	Nelson			

Excused and not voting, 9:

Chizek	Cudaback	Haberman	Pirsch	Rogers
Conway	Dierks	Hall	Rasmussen	

The Will amendment lost with 20 ayes, 13 nays, 7 present and not voting, and 9 excused and not voting.

Pending.

The Chair declared the call raised.

RESOLUTION

LEGISLATIVE RESOLUTION 315. Introduced by Robak, 22.

PURPOSE: This resolution seeks to have the following questions addressed:

(1) Are the programs that are currently administered by the Department on Aging programs that could be adequately administered by other agencies on both the state and local levels?

(2) Does the cost/benefit ratio associated with the existence of the Department on Aging justify its continued existence?

(3) What would be the impact on our state, positive and negative, if the Department on Aging were eliminated?

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Messrs. Rogers and Morrissey asked unanimous consent to print the following amendment to LB 1138A in the Journal. No objections. So ordered.

AM3600

1. On page 2, line 2, strike "$80,658" and insert "$155,353"; in line 3 strike "$63,625" and insert "$127,513"; in line 9 strike "$40,215" and insert "$70,479"; and in line 10 strike "$41,824" and insert "$73,299".

Mrs. Robak asked unanimous consent to print the following amendment to LB 958 in the Journal. No objections. So ordered.

AM3664

1. Strike original section 2 and insert the following new sections:

"Sec. 2. The Legislature finds that a need exists to create a greater awareness among the motor vehicle operators of the state for the safety of children within school crossing zones around and near school facilities and that a greater awareness can be aided by public information programs, increased fines for certain violations in school crossing zones, and safety education in schools and communities. It is the intent of the Legislature that the department should coordinate efforts to educate the public in conjunction with other state agencies.

Sec. 3. School crossing zones shall be designated to the public by a sign or traffic-control device specified by the Department of Roads.

Sec. 4. Any person convicted of speeding in a school crossing zone shall be guilty of a traffic infraction and shall be fined at least fifty dollars and not more than one hundred dollars for the first offense, at least seventy-five dollars and not more than two hundred dollars for a second offense within a one-year period, and at least one hundred dollars and not more than three hundred dollars for a third and subsequent offense within a one-year period.

Sec. 5. Any person convicted of failing to yield to a pedestrian in a school crossing zone shall be guilty of a traffic infraction and shall be fined at least thirty-five dollars and not more than one hundred dollars for the first offense, at least fifty dollars and not more than two hundred dollars for a second offense within a one-year period, and at least seventy-five dollars and not more than three hundred dollars for a third and subsequent offense within a one-year period.

Sec. 6. That section 39-669.26, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-669.26. In order to prevent and eliminate successive traffic violations, there is hereby provided a point system dealing with traffic violations as disclosed by the files of the Director of Motor Vehicles. The following point system shall be adopted:

(1) Conviction of motor vehicle homicide -- 12 points;

(2) Third offense drunken driving in violation of any city or village ordinance or of section 39-669.07, as disclosed by the records of the director, regardless of whether the trial court found the same to be a third offense -- 12 points;

(3) Failure to stop and render aid as required under the laws of this state in the event of involvement in a motor vehicle accident resulting in the death or personal injury of another -- 6 points;

(4) Failure to stop and render aid as required under the laws of this state or any city or village ordinance in the event of a motor vehicle accident resulting in property damage if such accident is reported by the owner or operator within twelve hours from the time of the accident -- 4 points, otherwise -- 8 points, and for purposes of this subdivision a

telephone call or other notification to the appropriate peace officers shall be deemed to be a report;

(5) Driving a motor vehicle while under the influence of alcoholic liquor or any drug or when such person has a concentration of ten-hundredths of one gram or more by weight of alcohol per one hundred milliliters of his or her blood or urine or per two hundred ten liters of his or her breath in violation of any city or village ordinance or of section 39-669.07 -- 6 points;

(6) Willful reckless driving in violation of any city or village ordinance or of section 39-669.03 or 39-669.05 -- 6 points;

(7) Careless driving in violation of any city or village ordinance or of section 39-669 -- 4 points;

(8) Negligent driving in violation of any city or village ordinance -- 3 points;

(9) Reckless driving in violation of any city or village ordinance or of section 39-669.01 -- 5 points;

(10)(a) Except as provided in subdivision (b) or (c) of this subdivision, speeding ~~Speeding~~ in violation of any city or village ordinance or of section 39-662, 39-663, or 39-666:

(i) ~~(a)~~ Not more than five miles per hour over the speed limit -- 1 point;

(ii) More ~~(b) more~~ than five miles per hour but not more than ten miles per hour over the speed limit -- 2 points; and

(iii) More ~~(c) more~~ than ten miles per hour over the speed limit -- 3 points;

(b) Speeding in violation of ~~, except that one point shall be assessed upon conviction of exceeding by not more than ten miles per hour, two points shall be assessed upon conviction of exceeding by more than ten miles per hour but not more than fifteen miles per hour, and three points shall be assessed upon conviction of exceeding by more than fifteen miles per hour~~ the speed limits provided for in subdivision (2)(c), (d), or (f) of section 39-662 or subdivision (1)(c), (d), (e), or (g) or (3)(c), (d), or (h) of section 39-666:

(i) Not more than ten miles per hour over the speed limit -- 1 point;

(ii) More than ten miles per hour but not more than fifteen miles per hour over the speed limit -- 2 points; and

(iii) More than fifteen miles per hour over the speed limit -- 3 points; and

(c) Except as provided in subdivision (b) of this subdivision, speeding in a school crossing zone in violation of the speed limit set by any city or village ordinance or by section 39-662, 39-663, or 39-666:

(i) Not more than five miles per hour over the speed limit -- 2 points;

(ii) More than five miles per hour but not more than ten miles per hour over the speed limit -- 3 points; and

(iii) More than ten miles per hour over the speed limit -- 4 points;

(11)(a) Except as provided in subdivision (b) of this subdivision, failure ~~Failure~~ to yield to a pedestrian not resulting in bodily injury to a pedestrian -- 2 points; and

(b) Failure to yield to a pedestrian in a school crossing zone not resulting in bodily injury to a pedestrian -- 3 points;

(12)(a) Except as provided in subdivision (b) of this subdivision, failure ~~Failure~~ to yield to a pedestrian resulting in bodily injury to a pedestrian -- 4 points; and

(b) Failure to yield to a pedestrian in a school crossing zone resulting in bodily injury to a pedestrian -- 5 points; and

(13) All other traffic violations involving the operation of motor vehicles by the operator for which reports to the Department of Motor Vehicles are required under sections 39-669.22 and 39-669.23, not including violations involving an occupant protection system pursuant to section 39-6,103.07 on or after January 1, 1993, parking violations, violations for operating a motor vehicle without a valid operator's license in the operator's possession, muffler violations, overwidth, overheight, or overlength violations, motorcycle or moped protective helmet violations, or overloading of trucks -- 1 point.

All such points shall be assessed against the driving record of the operator as of the date of the violation for which conviction was had. Points may be reduced by the department under section 39-669.37.

In all cases, the forfeiture of bail not vacated shall be regarded as equivalent to the conviction of the offense with which the operator was charged.

Sec. 12. That section 39-6,122, Revised Statutes Supplement, 1990, be amended to read as follows:

39-6,122. Sections 39-601 to 39-6,122 and sections 2 to 5 of this act shall be known and may be cited as the Nebraska Rules of the Road.

Sec. 17. Sections 7 to 11, 13 to 16, and 19 of this act shall become operative on January 1, 1993. The other sections of this act shall become operative on their effective date.

Sec. 18. That original section 39-669.26, Reissue Revised Statutes of Nebraska, 1943, and sections 39-602 and 39-6,122, Revised Statutes Supplement, 1990, are repealed.".

2. On page 22, after line 13 insert the following new subdivision and renumber the remaining subdivisions accordingly:

"(88) School crossing zone shall mean the area of a highway designated to the public by the Department of Roads, county, city, or village as a school crossing zone through the use of a sign or traffic-control device pursuant to section 3 of this act but shall not include any area of a freeway;".

3. On page 40, line 6, strike "39-669.26,"; and in line 9 strike "sections 39-602 and" and insert "section".

4. In AM2930, strike section 12.

5. Renumber the remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 1099. Title read. Considered.

Standing Committee amendment, AM2688, found in the Journal on page 783, was considered.

MR. WARNER PRESIDING

PRESIDENT MOUL PRESIDING

Mr. Lindsay asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Withem moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

The Standing Committee amendment was adopted with 29 ayes, 0 nays, 8 present and not voting, and 12 excused and not voting.

Mr. Moore asked unanimous consent to be excused until he returns. No objections. So ordered.

Ms. Schimek moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 1099A. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 728. Title read. Considered.

Standing Committee amendment, AM2403, printed separately from the Journal and referred to on page 426, was considered.

Mrs. Robak and Mr. Horgan asked unanimous consent to be excused until they return. No objections. So ordered.

Messrs. Landis and Kristensen renewed their pending amendment, AM3577, found in the Journal on page 1574, to the Standing Committee amendment.

Mr. Ashford requested a division of the question on the Landis-Kristensen amendment.

The Chair sustained the division of the question.

The first Landis-Kristensen amendment to the Standing Committee amendment is as follows:
FA332

(Amendments to Standing Committee amendments, AM2403)

1. Strike sections 4 to 6 and insert the following new sections:

"Sec. 4. (1) In any proceeding under Chapter 30, 42, or 43 in which the parenting of minor children is in issue, subsequent to the initial filing or upon filing of an application for modification of a decree, the parties shall be notified and shall receive information about mediation and its application in divorce and parenting matters, as well as its availability through the state mediation centers as established through the Office of Dispute Resolution. Development of informational materials and the implementation of this subsection shall be accomplished through the office.

(2) A free introductory mediation interview with one of the parties, conducted by telephone or in person, may be requested by a party through a state mediation center as established by the office. Center staff shall be trained in domestic violence and determine the appropriateness of the case for mediation. Screening guidelines and safety procedures for cases involving child abuse, spouse abuse, or both shall be devised by the office.

Sec. 5. (1) A mediator under the Parenting Act shall be approved by a state mediation center as established through the Office of Dispute Resolution or under a conciliation court. To qualify as a mediator, a person shall have a minimum of thirty hours of basic mediation training and thirty hours of family mediation training and shall have served as an apprentice to an experienced mediator as defined in section 25-2903.

(2) A mediator who performs mediation in family matters shall also meet the following standards:

(a) Knowledge of the court system and procedures used in contested family matters;

(b) General knowledge of Nebraska family law, especially regarding custody, visitation, and support;

(c) Knowledge of other resources in the state to which parties and children can be referred for assistance; and

(d) General knowledge of child development, clinical issues relating to children, the effects of marriage dissolution on children, parents, and extended families, and the psychology of families.

(3) No mediator who represents or has represented any of the parties or has had either of the parties as a client may mediate the case. If such services have been provided to both participants, mediation shall not proceed unless the prior relationship has been discussed, the role of the mediator has been made distinct from the earlier relationship, and the participants have been given the opportunity to fully choose to proceed. All other potential conflicts of interest shall be disclosed and discussed before the parties shall decide whether to proceed with mediation.

2. On page 7, strike beginning with "With" in line 5 through the period in line 6.

3. On page 12, line 24, after "Act" insert ", if a parenting plan has been so developed,".

4. On page 14, strike beginning with "in" in line 14 through "plan" in line 15.

Mr. Moore asked unanimous consent to be excused until he returns. No objections. So ordered.

MR. WARNER PRESIDING

Mr. Withem asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 3 nays, and 21 not voting.

Mrs. Pirsch asked unanimous consent to be excused until she returns. No objections. So ordered.

PRESIDENT MOUL PRESIDING

The first Landis-Kristensen amendment was adopted with 24 ayes, 0 nays, 17 present and not voting, and 8 excused and not voting.

The second Landis-Kristensen amendment to the Standing Committee amendment is as follows:
FA333

(Amendments to Standing Committee amendments, AM2403)

If both parties consent, a joint interview may follow individual interviews. If the case is determined appropriate for mediation and both parties voluntarily agree to mediation, the case may be scheduled for future mediation sessions.

Sec. 6. With the consent of both parties, a court may make an order referring a case to mediation and stating a date for the case to return to court, but such date shall be no longer than ninety days from the date the order is signed unless the court grants an extension.".

Messrs. Haberman, Lynch, and Withem asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Wickersham moved the previous question. The question is, "Shall the debate now close?"

Mr. Wickersham moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Ashford requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 23:

Beutler
Beyer
Byars
Conway
Crosby
Cudaback
Hall
Hartnett
Hefner
Hillman
Kristensen
Landis
Lindsay
Moore
Morrissey
Nelson
Robak
Robinson
Rogers
Schrock
Warner
Wesely
Wickersham

Voting in the negative, 5:

Ashford
Bohlke
Chambers
Schimek
Will

Present and not voting, 9:

Abboud
Baack
Bernard-Stevens
Coordsen
Elmer
Labedz
Peterson
Rasmussen
Wehrbein

Absent and not voting, 3:

Johnson, L.
Lamb
Schmit

Excused and not voting, 9:

Chizek
Dierks
Haberman
Horgan
Johnson, R.
Lynch
Pirsch
Schellpeper
Withem

The motion to cease debate lost with 23 ayes, 5 nays, 9 present and not voting, 3 absent and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Pending.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1192A. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1192, Ninety-second Legislature, Second Session, 1992.

EXPLANATION OF VOTE

Had I been present, I would have voted "aye" on LB 130, LB 424e, and LB 470e.

(Signed) John Lindsay

UNANIMOUS CONSENT - Print in Journal

Mr. Lindsay asked unanimous consent to print the following amendment to LB 360 in the Journal. No objections. So ordered.

AM3545

(Amendments to E & R amendments, AM5269)

1. Insert the following new section:

"Sec. 2. That section 48-121.01, Revised Statutes Supplement, 1990, be amended to read as follows:

48-121.01. ~~Commencing on July 10, 1990, the maximum weekly income benefit under sections 48-121 and 48-122 shall be two hundred fifty-five dollars and the minimum weekly income benefit under sections 48-121 and 48-122 shall be forty-nine dollars.~~ Commencing July 1, 1991, the maximum weekly income benefit under sections 48-121 and 48-122 shall be two hundred sixty-five dollars and the minimum weekly income benefit under sections 48-121 and 48-122 shall be forty-nine dollars. Commencing July 15, 1992, the maximum weekly income benefit under sections 48-121 and 48-122 shall be two hundred eighty-five dollars and the minimum weekly income benefit under sections 48-121 and 48-122 shall be forty-nine dollars. Commencing July 1, 1993, the maximum weekly income benefit under sections 48-121 and 48-122 shall be three hundred five dollars and the minimum weekly income benefit under sections 48-121 and 48-122 shall be forty-nine dollars.".

2. On page 19, line 12, strike "11" and insert "12".

3. On page 20, line 1, strike "section" and insert "sections 48-121.01 and".

4. Renumber the remaining sections accordingly.

Messrs. Hartnett and Wickersham asked unanimous consent to print the following amendment to LB 1240 in the Journal. No objections. So ordered.

AM3656

(Amendments to Standing Committee amendments, AM2885)

1. Strike original section 1 and insert the following new sections:

"Sec. 12. Any business entity located, starting up, or expanding within an enterprise zone after the date on which the enterprise zone is designated or during the term of such designation, and which is a taxpayer engaged in a qualifying business that is entitled to receive tax credits under the Employment Expansion and Investment Incentive Act, shall receive a credit in the amount provided for in subsection (3) of section 77-27,188 on the terms and conditions provided for in the Employment Expansion and Investment Incentive Act.

Sec. 14. That section 77-27,188, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-27,188. (1)(a) A credit against the taxes imposed by the Nebraska Revenue Act of 1967 shall be allowed to any taxpayer engaged in a qualifying business as described in section 77-27,189 who increases the employment of such business in this state by two new full-time employees and who makes an increased investment in this state of at least seventy-five thousand dollars during a taxable year.

(b) Any taxpayer who has been allowed a credit under subdivision (1)(a) of this section during the preceding five taxable years, not counting carryovers, shall be allowed a credit for an increase in employment in this state by two new full-time employees.

(2) ~~The~~ Except as provided in subsection (3) of this section, the amount of the credit shall be one thousand five hundred dollars for each new employee and one thousand dollars for each seventy-five thousand dollars of increased investment.

(3) For any taxpayer described in subdivision (1)(a) of this section which is also located within the boundaries of an officially designated enterprise zone, the amount of the credit shall be four thousand five hundred dollars for each new employee and three thousand dollars for each seventy-five thousand dollars of increased investment.

(4) The credit shall be applied as provided in section 77-27,188.01.

Sec. 15. That original section 77-27,188, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

2. On page 3, strike beginning with "the" in line 8 through line 9 and insert "sections 1 to 13 of this act:".

3. On page 4, line 16, strike "one calendar

year" and insert "twelve months".

4. On page 4, line 22; page 6, lines 10, 18, and 21; and page 7, line 5, strike "3" and insert "2".

5. On page 5, line 19; and page 8, line 8, strike "7, 8, and 9" and insert "6, 7, and 8".

6. On page 5, line 22; and page 9, line 8, strike "5" and insert "4".

7. On page 7, strike lines 23 and 24.

8. On page 8, strike lines 1 through 6 and insert the following new subdivision:

"(6) Cities of the metropolitan, primary, and first class shall provide documentation of the commitment of funds for expenditure in the proposed enterprise zone over the term during which the area is designated an enterprise zone for the purpose of assisting or enabling businesses to locate or expand existing operations within the area of the proposed enterprise zone. The funds to be expended shall be from revenue of the city or other local political subdivisions, from federal government sources, from private entities, or from other nonstate government sources. For cities of the metropolitan and primary class, such commitments from all permitted sources shall not be less than five hundred thousand dollars. For cities of the first class, such commitments from all permitted sources shall not be less than one hundred thousand dollars. No application for enterprise zone designation from a city of the metropolitan, primary, or first class shall be approved by the department until commitments at the level designated have been documented to the department;

(7) Counties, cities of the second class, and villages shall document commitments to be made from private sector sources of resources and funds for the operation and development of the enterprise zone and commitments by the political subdivision of general fund revenue and other nonstate resources to encourage economic development in the area; and".

9. On page 10, strike beginning with "represent" in line 20 through "or" in line 24 and insert "include property owners, residents, business operators, and".

10. On page 11, line 1, after "zone" insert

"as well as individuals representing groups or organizations with an interest in furthering the purposes and goals of the enterprise zone"; and in line 14 strike "10" and insert "9".

11. On page 12, line 13, strike "11" and insert "10"; and strike beginning with "the" in line 23 through "Act" in line 24 and insert "sections 1 to 13 of this act".

12. Renumber the remaining sections accordingly.

Messrs. Hartnett, Wickersham, and Lamb asked unanimous consent to print the following amendment to LB 1240 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM3609.)

Mr. Hall asked unanimous consent to print the following amendment to LB 962 in the Journal. No objections. So ordered.

AM3689

(Amendments to Standing Committee amendments, AM2812)

1. Insert the following new section:

"Sec. 4. That section 77-2734.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2734.02. (1) A tax is hereby imposed for each taxable year on the taxable income of every corporate taxpayer that is doing business in this state at a rate equal to one hundred fifty and eight-tenths percent of the primary rate imposed on individuals under section 77-2701.01 on the first fifty thousand dollars of taxable income, ~~and~~ at the rate of two hundred eleven percent of such rate on all taxable income in excess of fifty thousand dollars but less than two hundred thousand dollars, and at the rate of two hundred seventeen percent on all taxable income of two hundred thousand dollars or more. The resultant rates shall be rounded to the nearest one hundredth of one percent.

(a) For corporate taxpayers with a fiscal year that does not coincide with the calendar year, the individual rate used for this subsection shall be the rate in effect on the first day, or the day deemed to be the first day, of the taxable year.

(b) For fiscal years beginning before January 1, 1968, the rate initially set shall apply for the period from January 1, 1968, to the end of that fiscal year.

(2) For a corporate taxpayer that is subject to tax in another state, its taxable income shall be the portion of the taxpayer's federal taxable income, as adjusted, that is determined to be connected with the taxpayer's operations in this state pursuant to sections 77-2734.05 to 77-2734.15.

(3) Each corporate taxpayer shall file only one income tax return for each taxable year.".

2. Insert the following new amendment:

"4. On page 10, line 9, strike 'and' and insert a comma; and in line 10 after the first comma insert 'and 77-2734.02,'.".

3. On page 9, line 23, after the underscored period insert the following new subsection:

"(3)(a) Every resident individual shall be allowed to subtract from federal adjusted gross income the actual amount paid to others for tuition, textbooks, and transportation during the tax year not in excess of one thousand one hundred dollars for each dependent in grades kindergarten through six and one thousand seven hundred dollars for each dependent in grades seven through twelve attending a public or nonpublic elementary or secondary school. No deduction shall be allowed under this subsection unless the school is located in the state or within twenty-five miles of the student's residence, is not operated for profit, does not discriminate on the basis of race, color, or national origin, does not permit the infliction of corporal punishment, and fulfills the school term requirements prescribed in section 79-201 or a comparable state requirement.

(b) For purposes of this subsection:

(i) Dependent shall mean a person for whom the individual claims a dependency exemption on his or her federal income tax return;

(ii) Textbooks shall mean and include books, instructional materials, and equipment used in teaching the elementary or secondary instructional program prescribed by the rules and regulations of the State Board of Education. Textbooks shall not include books, instructional materials, or equipment used in the teaching of religious tenets, doctrines, or worship or for extracurricular activities;

(iii) Transportation shall not include transportation to and from extracurricular activities; and

(iv) Tuition shall mean any amount charged for the opportunity to be enrolled in an instructional program by a public or nonpublic elementary or secondary school approved or accredited under rules and regulations established by the State Board of Education pursuant to subdivision (5)(c) of section 79-328.".

4. Renumber the remaining amendments accordingly.

5. Renumber the remaining sections accordingly.

Mr. Beutler asked unanimous consent to print the following amendment to LB 360 in the Journal. No objections. So ordered.

AM3634

(Amendments to AM3382)

1. On page 9, line 14, after the period insert "The presiding judge may also designate one of the other judges to act as presiding judge for purposes of review hearings.".

2. On page 10, line 14, strike "three", show as stricken, and insert "two".

3. On page 11, strike beginning with "or" in line 16 through "conferences" in line 17.

4. On page 16, line 19, after the period insert "The decision of the two-judge review panel must be unanimous in order to override the decision at the original hearing.".

VISITORS

Visitors to the Chamber were 24 fourth grade students and sponsor from St. Joseph's School, York; George and Maurine McNally from Schuyler and Sylvia Jenkins from Omaha; 50 seniors and teacher from Gibbon;

Harry and Evelyn Dahlstrom from Holdrege; and former Senator John Weihing and former Senator Bill Nichol.

RECESS

At 12:14 p.m., on a motion by Speaker Baack, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Baack presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Byars, Chizek, Coordsen, Dierks, Haberman, Horgan, R. Johnson, Lamb, Peterson, Robinson, Rogers, Schmit, Warner, Will, Withem, Mmes. Hillman, Pirsch, and Robak who were excused until they arrive.

PRESIDENT MOUL PRESIDING

RESOLUTION

LEGISLATIVE RESOLUTION 316. Introduced by Wickersham, 49.

WHEREAS, the municipal water system of the City of Crawford was severely damaged by floods last spring; and

WHEREAS, the water needs of the City of Crawford are not being adequately met by the existing makeshift water system; and

WHEREAS, the City of Crawford may lose eight hundred thousand dollars in federal funds for a new water system after the project was placed on President Bush's proposed list of spending cuts for projects that are "wasteful", "unnecessary", and "items of pork"; and

WHEREAS, the makeshift water system currently being used by the City of Crawford will not meet peak water needs this summer; and

WHEREAS, the proposed reduction in federal funds will severely hamper the reconstruction efforts of the water system.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the State of Nebraska is opposed to the proposed reduction in federal funds because the situation is one of emergency and not "wasteful", "unnecessary", and an "item of pork".

2. That a copy of this resolution be sent to Nebraska's Congressional delegation for presentation to President Bush.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 728. The second Landis-Kristensen pending amendment, FA333, found in the Journal on page 1598, to the Standing Committee amendment, was renewed.

Messrs. Lamb, Coordsen, Schellpeper, and Hefner asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Kristensen moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. Landis moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mr. Ashford requested a roll call vote on the second Landis-Kristensen amendment.

Voting in the affirmative, 24:

Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Byars
Chambers
Crosby
Cudaback
Hall
Hartnett
Hillman
Johnson, L.
Kristensen
Landis
Morrissey
Robak
Robinson
Schimek
Schrock
Warner
Wehrbein
Wesely
Wickersham

Voting in the negative, 10:

Abboud
Ashford
Conway
Labedz
Lynch
Moore
Nelson
Peterson
Pirsch
Rasmussen

Present and not voting, 5:

Dierks
Elmer
Lindsay
Rogers
Withem

Excused and not voting, 10:

Chizek
Coordsen
Haberman
Hefner
Horgan
Johnson, R.
Lamb
Schellpeper
Schmit
Will

The second Landis-Kristensen amendment was adopted with 24 ayes, 10 nays, 5 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Mr. Chambers offered the following amendment to the Standing Committee amendment:
FA334
Amend Committee Amendments (AM2403)
Page 7, lines 15-17: Strike all language beginning with "Nothing" in line 15 through "law" in line 17.

Messrs. Morrissey, Lynch, and Peterson asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

SPEAKER BAACK PRESIDING

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 1:

Chambers

Voting in the negative, 15:

Abboud
Ashford
Beyer
Conway
Crosby
Hefner
Johnson, L.
Johnson, R.
Labedz
Landis
Moore
Rasmussen
Warner
Wehrbein
Wesely

Present and not voting, 26:

Baack
Bernard-Stevens
Beutler
Bohlke
Byars
Coordsen
Cudaback
Dierks
Elmer
Haberman
Hall
Hartnett
Hillman
Kristensen
Lamb
Lindsay
Pirsch
Robak
Robinson
Rogers
Schellpeper
Schimek
Schrock
Wickersham
Will
Withem

Absent and not voting, 1:

Nelson

Excused and not voting, 6:

Chizek Lynch Morrissey Peterson Schmit
Horgan

The Chambers amendment lost with 1 aye, 15 nays, 26 present and not voting, 1 absent and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Chambers offered the following amendment to the Standing Committee amendment:
FA335
Amend Committee Amendments (AM2403)
Page 7, line 6: Strike, "Notwithstanding" and insert, "except for";
line 8; strike, "all" and insert, "no";
line 11, strike, "not".

Mr. Withem asked unanimous consent to be excused until he returns. No objections. So ordered.

The Chambers amendment was adopted with 16 ayes, 0 nays, 26 present and not voting, and 7 excused and not voting.

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Standing Committee amendment, as amended, was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Pending.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1240A. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1240, Ninety-second Legislature, Second Session, 1992.

LEGISLATIVE BILL 556A. Introduced by Baack, 47.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 556, Ninety-second Legislature, Second Session, 1992.

UNANIMOUS CONSENT - Print in Journal

Ms. Schimek asked unanimous consent to print the following amendment to LB 339 in the Journal. No objections. So ordered.

AM3710

1. Insert the following new sections:

"Sec. 2. That section 53-186, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

53-186. (1) Except as provided in subsection (2) of this section, it ~~It~~ shall be unlawful for any person to consume alcoholic ~~liquors~~ liquor (a) in the public streets, alleys, parking areas, roads, or highways, ~~or~~ (b) inside vehicles while upon the public streets, alleys, parking areas, roads, or highways, ~~;~~ or (c) upon property owned or controlled by the state or any governmental subdivision thereof~~;~~ unless authorized by the governing bodies having jurisdiction over such properties. ~~; PROVIDED, that the~~

(2) The commission may issue licenses for the sale of alcoholic liquor at retail (a) on lands owned by public power districts, public power and irrigation districts, the Bureau of Reclamation, or the Corps of Army Engineers~~;~~ or (b) for locations within or on structures on land owned by the state, cities, or villages or on lands controlled by airport authorities. The issuance of a license under this subsection shall be subject to the consent of the local governing body having jurisdiction over the site for which the license is requested as provided in the Nebraska Liquor Control Act. ~~with the consent of the governing body thereof.~~

Sec. 3. That original section 53-186, Reissue

Revised Statutes of Nebraska, 1943, is repealed.".

2. Insert underscoring in original section 1.

Mrs. Robak asked unanimous consent to print the following amendment to LB 1269 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM3665.)

RESOLUTIONS

LEGISLATIVE RESOLUTION 317. Introduced by Kristensen, 37.

WHEREAS, the State of Nebraska has unlimited liability under the State Tort Claims Act while all other governmental entities have liability limits under the Political Subdivisions Tort Claims Act; and

WHEREAS, the University of Nebraska Medical Center has an extensive medical malpractice exposure; and

WHEREAS, the State of Nebraska continues to assume additional responsibility for property and the provision of services; and

WHEREAS, the Nebraska Legislature has established standards for legislative review of all claims against the state; and

WHEREAS, it is proposed that there be an examination of the liability exposure of the State of Nebraska under the current State Tort Claims Act and other state and federal laws and a review of the impact of recent changes in state negligence law on state government.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 318. Introduced by Landis, 46.

PURPOSE: The purpose of this resolution is to study whether Nebraska should enact Article VI of the Uniform Probate Code: Nonprobate Transfers on Death (1989).

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 319. Introduced by Landis, 46.

PURPOSE: The purpose of this resolution is to study whether Nebraska should enact the Uniform Transfer of Litigation Act (1991 Act).

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 320. Introduced by Landis, 46.

PURPOSE: The purpose of this resolution is to study whether Nebraska should enact the Uniform Premarital Agreement Act (1983 Act).

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 321. Introduced by Landis, 46.

PURPOSE: The purpose of this resolution is to study whether Nebraska should enact the Uniform Enforcement of Foreign Judgments Act (1964 Act) in place of the Nebraska version of the Uniform Enforcement of Foreign Judgments Act (1948 Act).

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 322. Introduced by Landis, 46.

PURPOSE: The purpose of this resolution is to consider updating and rewriting Nebraska law regarding credit life insurance and credit health and accident insurance.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study, in cooperation with the Department of Insurance, to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 323. Introduced by Landis, 46.

PURPOSE: The purpose of this resolution is to examine Multiple Employer Welfare Arrangements (MEWAs) which are providing health insurance in Nebraska and consider options for the appropriate regulation of these entities.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 324. Introduced by Pirsch, 10.

PURPOSE: Developing an appreciation and acceptance of responsibility and accountability is a vital aspect in the process of attempting to rehabilitate individuals convicted of criminal behavior. Possessing valuable work skills and responsible work habits contributes to the likelihood that an individual released from prison will become a productive member of society and respect the rights of others. The purpose of this resolution is to conduct a study including:

(1) The evaluation of the use and effect of work assignments on incarcerated offenders;

(2) Consultation of members of private industry and the Department of Correctional Services to determine their response and concerns to expanding their involvement in the private employment of offenders; and

(3) The issues surrounding the feasibility and possible methods of expanded private industry involvement in the employment of offenders.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 325. Introduced by Pirsch, 10; Beutler, 28.

PURPOSE: The effectiveness of our state's criminal justice system depends upon the confidence, cooperation, and participation of our citizens. These citizens have a right to monitor court proceedings in order to better understand and evaluate the workings of the various components of the criminal justice system. Thus, crime victims, their families, and the public have a right to be accurately informed of the meaning of a prison sentence. The purpose of this resolution is to review the "truth-in-sentencing" provisions proposed by Legislative Bill 1221, Ninety-second Legislature, Second Session, 1992, and issues relating to criminal sentence determinations.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 326. Introduced by Pirsch, 10; Lindsay, 9.

PURPOSE: Nebraska is among forty-nine states recognizing that when innocent victims suffer financial loss from personal injuries due to violent crime there should be support for the victims in their time of crisis. Nebraska has also recognized the vital importance of supporting the cooperation and participation of victims and witnesses through the creation of victim/witness support programs and clearly defining the rights of victims. Thirty states obtain all of their funds for programs assisting crime victims from penalties or fines assessed against criminals. Nebraska has used the general fund. The purpose of this resolution is to assess whether means other than the general fund exist for providing stable funding for crime victims reparations and victim/witness assistance programs.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 327. Introduced by Pirsch, 10.

PURPOSE: Recent decisions and practices of our state's parole board have led to questions and concerns regarding Nebraska's parole system. The increasing number of individuals committing crimes, the turnover of board membership, and the recent resignation of the board chairman have placed added stress on the present parole board membership and concerned citizens as well, The public trust has been shaken and the confidence that their safety will be given proper consideration in parole decisions is lacking. The purpose of this resolution is to study questions and issues relating to the parole process and the parole board. The study shall include:

(1) Whether a super-majority vote of the board requirement should be required for certain violent crime offenders;

(2) Whether the full membership of the board should be required to participate in hearings for certain violent crime offenders;

(3) An assessment of parole board membership qualifications and terms of appointment;

(4) Whether risk assessment tools have been effective in other states' parole systems and whether such risk assessment tools should be mandated in Nebraska; and

(5) Whether it would be feasible to expand the use of interactive audio-video networks to parole hearings in order to facilitate increased parole board membership and public participation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 328. Introduced by Nelson, 35; Moore, 24; Schimek, 27; Crosby, 29.

PURPOSE: The purpose of this resolution is to authorize a comprehensive study of the public employees retirement systems administered by the Public Employees Retirement Board. The study shall include:

(1) The cost, feasibility, and mechanics of implementing a single, unified, public employees retirement system;

(2) Current and continuing compliance with Internal Revenue Service rules and regulations;

(3) A comparison of the cost, level, and adequacy of the retirement benefits of the retirement systems;

(4) The cost, feasibility, and mechanics of implementing a cost-of-living adjustment for the retirement systems;

(5) An examination of the current "purchase of service" or "buy back" policy of the retirement systems and a comparison with other state's policies;

(6) An examination of the fiscal integrity of the retirement systems;

(7) A review of the retirement systems investment analysis;

(8) An examination of the "defined contribution" plans as compared to the "defined benefit" plans, and the possibility of changing such plans or incorporating such plans into a combination plan;

(9) Harmonizing of statutes and language;

(10) A comparison and analysis of state and political subdivision retirement plans;

(11) A comparison of Nebraska's public employees retirement plans with those of other states; and

(12) An update of the Nebraska Retirement Systems Committee's General Principles of Sound Retirement Planning.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 329. Introduced by Schrock, 39; Byars, 30; Cudaback, 36; Wickersham, 49; Lamb, 43; Elmer, 38; Rogers, 41; Coordsen, 32; Wehrbein, 2; Schellpeper, 18.

PURPOSE: The purpose of this resolution is to examine the need for amending the statutes relating to the imposition of a $4.00 per ton tax on commercial fertilizer and soil conditioners, specifically those statutes affected by Legislative Bill 1063, Ninety-second Legislature, Second Session, 1992.

Because of the forced march to enact a tax package earlier this session certain compromises were made to make LB 1063 more palatable to certain economic interests. This has resulted in numerous calls from various interests raising concerns with the commercial fertilizer tax portion of the bill.

Concerns have been raised relative to the manner in which the tax is imposed, the manner of collection of the tax, as well as questions bearing on the fairness and equitableness of the tax.

The study shall include a review of: (1) The tax structure implemented under LB 1063 with regard to commercial fertilizer and soil conditioners; (2) the potential implication and impact of the tax on the agricultural economy; (3) the positive or negative impact made on the decisionmaking processes of farmers and fertilizer dealers by the imposition of the tax; and (4) the possible environmental impact the tax may have.

The study shall receive input from all interested parties and include any other issues necessary to conduct the study.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Mr. Kristensen asked unanimous consent to print the following amendment to LB 835 in the Journal. No objections. So ordered.

AM3657

1. Insert the following new sections:

"Section 1. That section 44-4228, Revised Statutes Supplement, 1991, be amended to read as follows:

44-4228. ~~Pool~~ (1) Except as provided in subsection (2) of this section, pool coverage shall exclude charges or expenses incurred during the first six months following the effective date of coverage as to any condition ~~(1)~~ (a) which had manifested itself during the six-month period immediately preceding the effective date of coverage in such a manner as would cause an ordinarily prudent person to seek diagnosis, care, or treatment or ~~(2)~~ (b) for which medical advice, care, or treatment was recommended or received during the six-month period immediately preceding the effective date of coverage. This section shall not apply to a person who has received medical assistance pursuant to section 43-522 or sections 68-1018 to 68-1025 or an organ transplant recipient terminated from coverage under medicare during the six-month period immediately preceding the effective date of coverage.

(2) Any person whose health insurance coverage is involuntarily terminated on or after January 1, 1992, for any reasons other than nonpayment of premium and who is not eligible for a conversion policy may apply for coverage under the Comprehensive Health Insurance Pool Act but shall submit proof of eligibility pursuant to section 44-4221. If such proof is supplied and if coverage is applied for under the act within sixty days after the involuntary termination and if premiums are paid to the pool for the entire coverage period, the effective date of the coverage shall be the day following termination of the previous coverage. Any waiting period or preexisting condition exclusions provided for under the pool shall be waived to the extent similar exclusions, if any, under the prior health insurance coverage have been satisfied.

Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. In AM3463, on page 2, line 23, strike "is" and insert "and section 44-4228, Revised Statutes Supplement, 1991, are".

3. Renumber the remaining sections accordingly.

VISITORS

Visitors to the Chamber were 27 fourth grade students and teacher from Gretna.

The Doctor of the Day was Don Larson from Lincoln.

ADJOURNMENT

At 3:27 p.m., on a motion by Mr. Moore, the Legislature adjourned until 8:00 a.m., Thursday, March 26, 1992.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTIETH DAY - MARCH 26, 1992

LEGISLATIVE JOURNAL

NINETY-SECOND LEGISLATURE
SECOND SESSION

FIFTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 26, 1992

Pursuant to adjournment, the Legislature met at 8:00 a.m., President Moul presiding.

PRAYER

The prayer was offered by Pastor Dr. Rod Wilmoth, St. Paul Methodist Church, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Horgan and Landis who were excused; and Messrs. Byars, Chambers, Conway, Cudaback, Hall, R. Johnson, Morrissey, Robinson, Schmit, Wesely, Mmes. Labedz, Rasmussen, and Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-ninth day was approved.

UNANIMOUS CONSENT - Member Excused

Mr. Haberman asked unanimous consent to be excused. No objections. So ordered.

MESSAGE FROM THE GOVERNOR

March 25, 1992

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 470e was received in my office on March 24, 1992.

This bill was signed by me on March 25, 1992, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of March 25, 1992. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Nelson, Richard A. - Yorkville, IL	**Merck Sharp & Dohme**
Radcliffe and Associates	
Radcliffe, Walter H. - Lincoln	**Nebraska Association of Nurse Anesthetists**
Reutzel, Barry - Lincoln (Withdrawn 03/13/92)	**DeCamp Legal Services, P.C.**
Skochdopole, R. A. - Omaha	**GTECH**

RESOLUTION

LEGISLATIVE RESOLUTION 316. Read. Considered.

LR 316 was adopted with 23 ayes, 0 nays, and 26 not voting.

SELECT FILE

LEGISLATIVE BILL 428. E & R amendment, AM5260, found in the Journal on page 886, was adopted.

Mr. Beutler offered the following amendment:
AM3503

(Amendments to AM2538)

1. On page 5, after line 14 insert the following new subsection:

"(3) Any applicant who knowingly and intentionally submits false information or documentation pursuant to this section shall be guilty of abuse of public records pursuant to section 28-911.".

2. On page 6, line 13, after "agent" insert "or a member of the agent's or a principal officer's immediate family".

The Beutler amendment lost with 6 ayes, 3 nays, 24 present and not voting, and 16 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 428A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 447. E & R amendment, AM5264, found in the Journal on page 887, was adopted.

Mr. Bernard-Stevens renewed his pending amendment, AM3031, found in the Journal on page 1057.

The Bernard-Stevens amendment was adopted with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

Mr. Bernard-Stevens offered the following amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM3755.)

Mr. Chizek asked unanimous consent to be excused until he returns. No objections. So ordered.

The Bernard-Stevens amendment was adopted with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 946. Mr. Peterson moved to indefinitely postpone.

Mr. Rogers moved the previous question. The question is, "Shall the debate now close?" The motion lost with 12 ayes, 7 nays, and 30 not voting.

Mr. Will moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Peterson moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Peterson requested a roll call vote on his motion to indefinitely postpone.

Voting in the affirmative, 14:

Beyer
Crosby
Cudaback
Dierks
Elmer
Hefner
Hillman
Johnson, L.
Lamb
Peterson
Pirsch
Robinson
Schellpeper
Warner

Voting in the negative, 23:

Abboud
Ashford
Baack
Bernard-Stevens
Beutler
Bohlke
Conway
Coordsen
Hartnett
Kristensen
Lindsay
Lynch
Moore
Morrissey
Nelson
Rasmussen
Robak
Schimek
Wehrbein
Wesely
Wickersham
Will
Withem

Present and not voting, 2:

Rogers
Schrock

Excused and not voting, 10:

Byars
Chambers
Chizek
Haberman
Hall
Horgan
Johnson, R.
Labedz
Landis
Schmit

The Peterson motion to indefinitely postpone lost with 14 ayes, 23 nays, 2 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Mr. Peterson requested a machine vote on the advancement of the bill.

Advanced to E & R for engrossment with 25 ayes, 13 nays, 1 present and not voting, and 10 excused and not voting.

Mrs. Nelson, Ms. Schimek, Messrs. Dierks, and Coordsen asked unanimous consent to be excused until they return. No objections. So ordered.

RESOLUTIONS

LEGISLATIVE RESOLUTION 330. Introduced by Horgan, 4.

PURPOSE: It has been well established that electromagnetic fields are produced when electricity moves through power lines, appliances, or anything generating, reliant upon, or emitting electricity. Although scientific evidence relating to possible health hazards of exposure to electromagnetic fields is contradictory and still evolving, growing public concern and recent controversy in Nebraska relating to transmission line placement suggests this is an area of public policy which is deserving of analysis by the Legislature.

The purpose of this resolution is to determine whether the Public Service Commission or another governmental entity should have jurisdiction and authority to consider the possible effects of electromagnetic fields upon the public health when an electrical transmission line placement application is under consideration by the Public Service Commission.

Recognizing that electricity is a beneficial necessity of modern life, the effects of any electromagnetic fields legislation resulting from this analysis shall include utility costs and liability. Additionally, the study shall examine electromagnetic fields legislation emanating from other states as well as the efficacy of such legislation as a valid and realistic response to public and industry concerns surrounding this potentially controversial issue.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 331. Introduced by Schimek, 27; Chizek, 31.

PURPOSE: The purpose of this resolution is to review the Small Claims Court process.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 332. Introduced by Chizek, 31.

PURPOSE: The purpose of this resolution is to examine the business policies and practices of physicians, hospitals, health care insurers, and their assistants who provide health care services while using false or fictitious names or identities. Such studies shall specifically review:

1. Whether current criminal and civil penalties apply to those using false names or identities while providing health care services and insurance and, if so, to what extent;
2. If civil and criminal penalties do not apply to such conduct, should such penalties be applied or are additional penalties needed; and
3. Whether such conduct should be deemed to renounce the limitations of the Nebraska Hospital-Medical Liability Act and other liability limitations in Nebraska law.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That The Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 333. Introduced by Chizek, 31.

PURPOSE: The purpose of this resolution is to examine the practices of health care insurers and their subsidiaries and employees in order to determine whether any violations or possible violations of federal or state antitrust provisions or any other criminal or civil provisions exist as the Legislature tries to insure that quality health care, particularly health care products and pharmaceuticals delivered under or paid in whole or in part by health care insurers, is available and affordable for the consumer and the State of Nebraska. Such study shall specifically review whether the payment practices of health care insurers, the payment and reimbursement practices of health care insurers in the filling of pharmaceutical prescriptions and refills, rebate practices from manufacturers to health care insurers, and other practices of health care insurers violate federal or state antitrust provisions or any other criminal or civil provisions or whether additional legislation is needed to prohibit the practices by such insurers that unfairly restrict the delivery of health care services to consumers and the State of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 334. Introduced by Wehrbein, 2.

PURPOSE: The purpose of this study is to examine the parking situation for state employees. Parking access that is both convenient and affordable is paramount to keeping a quality public work force for the State of Nebraska. The demand for state employee parking at certain locations has far exceeded available space. Waiting lists of nearly three years are common. The Department of Administrative Services has initiated plans for adding additional space, financing these plans by increasing the parking fees for those currently using certain state parking facilities. The study should examine: (1) The amount of parking space owned and controlled by the state; (2) expenses associated with maintenance of the parking space; (3) impact of establishing uniform parking rates for all state employees regardless of the location of the space or the agency involved; (4) a method of fairly distributing the cost of creating additional parking; (5) impact of LB 1241, Ninety-second Legislature, Second Session, 1992, if approved on parking space authority; and (6) a long-range planning procedure to establish future parking needs.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 335. Introduced by Schmit, 23.

PURPOSE: The purpose of this resolution is to study (1) the means of support available to injured persons during the period after an accident and when the injured person is able to return to meaningful employment and (2) the effect of having lending institutions accept interest-only payments on principal balances of loans from an injured person while the injured person has limited income and until he or she has returned to work.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Mr. Bernard-Stevens asked unanimous consent to print the following amendment to LB 447A in the Journal. No objections. So ordered.

AM3756

1. Insert the following new sections:

"Sec. 2. The appropriation to Agency 5, Supreme Court, for Program 52, is hereby reduced by $563,486 General Funds in FY1992-93.

Sec. 3. There is hereby appropriated $563,486 from the General Fund for FY1992-93 to the Nebraska Commission on Law Enforcement and Criminal Justice, for Program 150, to aid in carrying out the provisions of Legislative Bill 447, Ninety-second Legislature, Second Session, 1992.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $63,486 for FY1992-93.".

Mr. Warner asked unanimous consent to print the following amendment to LB 1072 in the Journal. No objections. So ordered.

AM3584

1. Insert the following new sections:

"Sec. 9. That section 77-3439, Revised Statutes Supplement, 1991, as amended by section 192, Legislative Bill 1063, Ninety-second Legislature, Second Session, 1992, be amended to read as follows:

77-3439. (1) A governing body may increase the anticipated aggregate receipts from property taxes by up to five percent more than the amount permitted by section 77-3438 upon an affirmative vote of at least seventy-five percent of the governing body. Such vote shall be taken at a public meeting of the governing body following a special public hearing called for the purpose of receiving testimony on such proposed increase. ~~The governing body shall give at least seven calendar days' notice of such public hearing and shall publish such notice at least once in a newspaper of general circulation in the political subdivision.~~

(2) In addition to the increase permitted by subsection (1) of this section, a Community College Board of Governors may increase the anticipated aggregate receipts from property taxes by the amount

necessary to pay for accessibility barrier elimination project costs as defined in section 79-4,207 upon an affirmative vote of a majority of the board of governors. Such vote shall be taken at a public meeting of the board of governors following (a) a hearing called pursuant to subsection (1) of this section at which there is an opportunity for testimony on the increase proposed under this subsection or (b) a special public hearing called for the purpose of receiving testimony on the increase proposed under this subsection.

(3) The governing body or board of governors shall give at least seven calendar days' notice of a public hearing called under subsection (1) or (2) of this section and shall publish such notice at least once in a newspaper of general circulation in the political subdivision.

Sec. 11. That section 79-2648, Revised Statutes Supplement, 1990, be amended to read as follows:

79-2648. Each board may issue and sell revenue bonds and general obligation bonds for the purchase, construction, reconstruction, equipping, demolition, or alteration of capital assets, including accessibility barrier elimination project costs as defined in section 79-4,207, and the acquisition of sites, rights-of-way, easements, improvements, or appurtenances and other facilities connected with the operation of the community colleges. Each board may establish in its budget a capital improvement and bond sinking fund. Such fund shall be used (1) first for the retirement of bonds assumed by the board in accordance with the provisions of such bonds, (2) then for renewal work and deferred maintenance~~,~~ as defined in section 81-173, handicapped access and life safety improvements made to existing structures or grounds including accessibility barrier elimination project costs as defined in section 79-4,207, and projects designed to prevent or correct a waste of energy~~,~~ including measures taken to utilize alternate energy sources, all in accordance with the capital facilities plan of the area, (3) then for the retirement of bonds issued pursuant to this section, and (4) then for the purchasing, purchasing on contract, constructing, and improving of facilities necessary to carry out sections 79-2636 to 79-2653. Revenue bonds issued shall be subject to sections 79-2650.08 to 79-2650.15. No general obligation bonds shall be issued without the approval by a majority vote of the qualified electors of the area voting in an election called for such purpose pursuant to section 79-2650.03. No bonds issued under sections 79-2636 to 79-2653 shall be an obligation of the State of Nebraska, and no state tax shall be levied to raise funds for the payment thereof or interest thereon.

Sec. 12. That section 79-2650, Revised Statutes Supplement, 1990, be amended to read as follows:

79-2650. (1) On or before September 1 of each year, the board may certify to the county board of equalization of each county within the area a tax levy of not to exceed nine cents on each one hundred dollars on the ~~actual~~ taxable valuation of all property within the area, uniform throughout such area, for the purpose of supporting operating expenditures of the community college area.

(2)(a) In addition to the levy provided in subsection (1) of this section, the board may also certify to the county board of equalization of each county within the area a tax levy of not to exceed one and eight-tenths cents on each one hundred dollars on the ~~actual~~ taxable valuation of all property within the area, uniform throughout such area, for the purpose of establishing a capital improvement fund and bond sinking fund as provided in section 79-2648.

(b) In addition to the levy provided in subdivision (a) of this subsection, the board may also certify to the county board of equalization of each county within the area a tax levy of not to exceed one cent on each one hundred dollars on the taxable valuation of all property within the area, uniform throughout such area, for the purpose of funding accessibility barrier elimination project costs as defined in section 79-4,207.

(3) Except as provided by subsection (4) of this section, the levy provided in subsection (1) of this section shall not exceed nine cents on each one hundred dollars on the ~~actual~~ taxable valuation of all

property within the area without prior approval by a majority vote of the qualified electors of the area voting in an election called for such purpose pursuant to section 79-2650.03.

(4) The tax levy limit provided in subsection (1) of this section may be exceeded by a seventy-five percent vote of the area board of any area. The tax levy increase permitted under this subsection shall not exceed and shall be the lesser of an additional two and one-half cents on each one hundred dollars of the ~~actual~~ taxable valuation of all property within the area or an amount sufficient to fund the local tax receipt portion of the total budget increase permitted under any budget increase limitation which is imposed by law and which is applicable to such area. The changes made to this subsection by Laws 1990, LB 1050, are expressly intended to apply to all litigation concerning any vote taken pursuant to this subsection prior to July 10, 1990, including all litigation pending on such date.

(5) The levy provided by subdivision (a) of subsection (2) of this section may be exceeded by that amount necessary to retire the general obligation bonds assumed by the area or issued pursuant to section 79-2648 according to the terms of such bonds.

(6) Such tax shall be levied and assessed in the same manner as other property taxes and entered on the books of the county treasurer. The proceeds of such tax, as collected, shall be remitted to the treasurer of the board not less frequently than once each month.".

2. On page 7, line 5, strike "section 79-4,207" and insert "sections 79-4,207, 79-2648, and 79-2650".

3. In the Standing Committee amendments, AM2628, on page 19, line 13, strike the first "and"; and in line 14 after the third comma insert "and section 77-3439, Revised Statutes Supplement, 1991, as amended by section 192, Legislative Bill 1063, Ninety-second Legislature, Second Session, 1992,".

4. Renumber the remaining sections accordingly.

Mr. Moore asked unanimous consent to print the following amendment to LB 1092A in the Journal. No objections. So ordered.

AM3744

1. Insert the following new section:

"Sec. 6. There is hereby appropriated (1) $2,025,342 from the Department of Motor Vehicles Computerization and Operations Fund for FY1992-93 and (2) $1,570,810 from the Department of Motor Vehicles Computerization and Operations Fund for FY1993-94 to the Department of Motor Vehicles, for Program 70, to aid in carrying out the provisions of Legislative Bill 1092, Ninety-second Legislature, Second Session, 1992.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $78,946 for FY1992-93 or $81,314 for FY1993-94.

There is included in the $2,025,342 Cash Fund appropriation for FY1992-93 $454,532 Cash Funds for a one-time purchase of computer equipment for counties for the Vehicle Titling and Registration System, which shall only be used for such purpose.

There is included in the $2,025,342 Cash Fund appropriation for FY1992-93 and the $1,570,810 Cash Fund appropriation for FY1993-94 $1,200,000 Cash Funds each Fiscal year to contract for a new system to issue motor vehicle operators' licenses. No funds from this appropriation shall be expended and no contract shall be entered into by the Department of Motor Vehicles for the new motor vehicle operators' license system in FY1992-93 until a proposal for a new system has been presented at a joint hearing of the Transportation and Appropriations Committees of the Legislature.".

2. Renumber the remaining section accordingly.

SELECT FILE

LEGISLATIVE BILL 1138. E & R amendment, AM5271, found in the Journal on page 1333, was adopted.

Messrs. Wesely and Morrissey renewed their pending amendment, AM3576, found in the Journal on page 1494.

Mrs. Robak and Mr. Bernard-Stevens asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Wesely moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

The Wesely-Morrissey amendment was adopted with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

The Chair declared the call raised.

Mr. Wesely renewed his pending amendment, AM3521, found in the Journal on page 1496.

The Wesely amendment was adopted with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

Messrs. Rogers and Morrissey withdrew their pending amendment, AM3597, found in the Journal on page 1503.

Mr. Morrissey offered the following amendment:
FA336
Add a new section
The Dept. of Health shall promulgate the rules & regulations to implement this act by Sept. 1, 1992.

The Morrissey amendment was adopted with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

Mrs. Hillman and Mr. Schellpeper asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1138A. Messrs. Rogers and Morrissey renewed their pending amendment, AM3600, found in the Journal on page 1590.

Messrs. Hefner and Lamb asked unanimous consent to be excused until they return. No objections. So ordered.

The Rogers-Morrissey amendment was adopted with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

Advanced to E & R for engrossment.

UNANIMOUS CONSENT - Print in Journal

Mr. Lynch asked unanimous consent to print the following amendment to LB 754 in the Journal. No objections. So ordered.

AM3747

(Amendments to AM3646)

1. On page 17, line 13, strike "may" and insert "shall not"; and strike beginning with "any" in line 14 through "than" in line 15 and insert "the".

RESOLUTIONS

LEGISLATIVE RESOLUTION 336. Introduced by Warner, 25.

PURPOSE: The purpose of this resolution is to examine computer hardware and software needs in senators' offices, which information shall be used for planning and developing a budget request for the next biennium.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Executive Board of the Legislative Council shall appoint a committee to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 337. Introduced by Wickersham, 49; Byars, 30; Cudaback, 36; Landis, 46; Robak, 22; Beutler, 28; Crosby, 29; Rasmussen, 20; Abboud, 12; Lynch, 13; Wesely, 26; Conway, 17; Hartnett, 45; Withem, 14; Rogers, 41; Nelson, 35; Coordsen, 32; Will, 8; Pirsch, 10; Hefner, 19; L. Johnson, 15; Schrock, 39; Haberman, 44; Robinson, 16; Peterson, 21; Morrissey, 1; Moore, 24; Wehrbein, 2; Bernard-Stevens, 42; Kristensen, 37; Bohlke, 33; Schimek, 27; Lindsay, 9; Dierks, 40; Elmer, 38; Baack, 47; Schellpeper, 18; Hall, 7; Warner, 25; Hillman, 48; R. Johnson, 34; Lamb, 43; Beyer, 3; Chizek, 31.

WHEREAS, federal mandates are one of the reasons for the difficulties in present state budgets. In the first quarter of the 102nd Congress alone, over one hundred fifteen bills were introduced that would make the states pay for a program designed at the federal level; and

WHEREAS, last year's federal budget agreement established new rules to help cut the national deficit. A pay-as-you-go requirement forces Congress to fund any new program it creates. This increases the temptation for federal lawmakers to pay for new programs by mandating that the expense be borne by state and local governments; and

WHEREAS, several states have adopted tracking systems to monitor federal mandates.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study of systems used in other states to identify, track, analyze, determine the cost of, influence, or oppose federal mandates which would be funded by the State of Nebraska or any of its political subdivisions, and any other considerations relevant to reducing the impact of federal mandates on the state budget.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 338. Introduced by Horgan, 4.

PURPOSE: The problems associated with divorce and the extended and sometime dysfunctional relationships which result from such familial dislocations can have effects which are traumatic and long-lasting. Problems associated with the rights of noncustodial parents, particularly in the area of a noncustodial parent's involvement and participation in the organized educational and extracurricular activities of his or her child, can create many areas of dissension and mistrust between the custodial and noncustodial parents. Although legislation has been introduced which addresses the best interests of the child in some aspects of the child custody issue, the educational and extracurricular aspects of a child's development and the duties and responsibilities of a custodial parent to inform the noncustodial parent of such activities has not fully been addressed in statute.

The purposes of this study shall include, but not be limited to, a study of the duties, obligations, and responsibilities of divorced and separated parents relating to extracurricular social activities of their minor children and whether such duties, obligations, and responsibilities would require statutory authorization or mandates to effect more positive interactions between divorced parents of children in this state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature. Introduced by

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 339. Introduced by Wehrbein, 2.

PURPOSE: Geographic Information System technology is a valuable tool in the management of Nebraska's natural resources. Coordination of data collection, computer software and hardware acquisition, and system operations are essential to the efficient and effective operations of state Geographic Information Systems. The activities of the Geographic Information System Steering Committee should be reviewed, with special emphasis given to Geographic Information System acquisition and data collection by agencies involved in natural resources planning, management, and regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 340. Introduced by Kristensen, 37.

PURPOSE: The purpose of this resolution is to propose an interim study of the Nebraska Rules of the Road. The study shall examine the rules of the road and prepare for introduction legislation which would revise and recodify the provisions of Chapter 39, article 6, of the Reissue Revised Statutes of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Transportation Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution. The committee shall solicit the input of the Revisor of Statutes, affected state agencies, other interested organizations, and other persons the committee deems necessary and proper to carry out the purpose of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 728. Mr. Ashford offered the following amendment:

AM3746

1. In the Standing Committee amendments, AM2403, on page 8, after line 12, insert the following new subsection:

"(4) Either party may terminate mediation at any point in the process.".

Mr. Ashford moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

The Ashford amendment was adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Mr. Schellpeper asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for review with 28 ayes, 0 nays, 8 present and not voting, and 13 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 353. Title read. Considered.

Standing Committee amendment, AM0501, found in the Journal on page 1448, First Session, 1991, was adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Beyer renewed his pending amendment, AM2962, found in the Journal on page 877.

SPEAKER BAACK PRESIDING

Mr. Chambers moved to bracket LB 353 until April 16, 1992.

Mr. Hartnett asked unanimous consent to be excused until he returns. No objections. So ordered.

PRESIDENT MOUL PRESIDING

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

The Chambers motion to bracket prevailed with 29 ayes, 2 nays, 10 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

MESSAGE FROM THE GOVERNOR

March 26, 1992

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 130 was received in my office on March 24, 1992.

This bill was signed by me on March 26, 1992, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

UNANIMOUS CONSENT - Print in Journal

Ms. Schimek asked unanimous consent to print the following amendment to LB 988 in the Journal. No objections. So ordered.

AM3007

1. Insert the following new section:

"Sec. 18. The Auditor of Public Accounts shall analyze the performance, management, and accomplishments of the programs of all executive state officers, agencies, boards, bureaus, commissions, associations, societies, and libraries supported by the state, state institutions, the University of Nebraska, and the Nebraska state colleges. By July 1 of each year the Legislative Program Evaluation Committee shall provide the Auditor of Public Accounts a list of analyses to be performed during the ensuing fiscal year. The Auditor of Public Accounts shall perform the studies prior to performing any other analyses pursuant to this section at his or her discretion. The Auditor of Public Accounts shall prepare and deliver to the committee a report of the findings of the analyses. The report shall include: (1) The scope of the analyses; (2) the criteria considered and standards used in the analyses; and (3) the findings and evaluations relative to the program analyzed. Each agency studied shall be provided an opportunity to examine and review the report and file a written response to the report which shall be submitted to the committee as part of the report filed by the Auditor of Public Accounts. The committee shall make the report public within thirty days after receiving the report.".

2. Renumber the remaining sections accordingly.

Mr. Lindsay asked unanimous consent to print the following amendment to LB 360 in the Journal. No objections. So ordered.

AM3738

(Amendments to AM3382)

1. On page 13, strike beginning with the comma in line 20 through the comma in line 21; and strike beginning with "or" in line 21 through "reporter" in line 22.

2. On page 14, strike lines 1 through 12 and insert "The charges for attendance of the reporter shall be taxed as costs to the employer or, if insured, to the employer's insurance carrier.".

Mr. Lindsay asked unanimous consent to print the following amendment to LB 360 in the Journal. No objections. So ordered.

AM3736

(Amendments to AM3382)

1. On page 11, strike beginning with "or" in line 16 through "conferences" in line 17.

Mr. Lindsay asked unanimous consent to print the following amendment to LB 360 in the Journal. No objections. So ordered.

AM3739

(Amendments to AM3382)

1. On page 16, line 12, strike the first "may" and insert "shall"; and strike beginning with the first comma in line 12 through "order" in line 13.

Mr. Will asked unanimous consent to print the following amendment to LB 111 in the Journal. No objections. So ordered.

AM3680

1. Insert the following new section:

"Sec. 4. That section 29-2280, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-2280. A sentencing court may order the defendant to make restitution for the actual physical injury or property damage or loss sustained by the victim as a direct result of the offense for which the defendant has been convicted. With the consent of the parties, the court may order restitution for the actual physical injury or property damage or loss sustained by the victim of an uncharged offense or an offense dismissed pursuant to plea negotiations. Whenever the court believes that restitution may be a proper sentence or the victim of any offense or the prosecuting attorney requests, the court shall order that the presentence investigation report include documentation regarding the nature and amount of the actual damages sustained by the victim.".

2. In AM3203, on page 8, line 3, strike "and 28-611" and insert "28-611, and 29-2280".

3. Renumber the remaining section accordingly.

RESOLUTIONS

LEGISLATIVE RESOLUTION 341. Introduced by Landis, 46.

PURPOSE: The purpose of this resolution is to study issues regarding arbitration and particularly such issues which arise under the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 342. Introduced by Withem, 14; Beutler, 28; Schimek, 27.

PURPOSE: To study the financial aid system, including the State Scholarship Award Program, the Scholarship Assistance Program, the Postsecondary Education Award Program, and the federal Pell Grant, as it impacts various groups of students attending state colleges, universities, and private technical and vocational schools and to study the availability and coordination of tuition assistance and tuition remission programs and policies as they apply to minority students, including, but not limited to, Native Americans, students identified as "most needy", and students who do not qualify as most needy but who must have financial assistance to complete postsecondary programs.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 343. Introduced by Withem, 14.

PURPOSE: To conduct a study of the various groups and organizations participating in Nebraska's school restructuring effort and provide at least one public hearing for the purpose of evaluating the progress made and problems encountered by each participant.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 344. Introduced by Withem, 14.

PURPOSE: The purpose of this resolution is to conduct an interim study to research the process of a city marketing bonds and the feasibility of requiring a city to initiate a bidding process for such bonds. The study shall include, but not be limited to:

(1) The services rendered by the underwriter in the current system;
(2) The feasibility of requiring a separate financial advisor;

(3) Expanding the requirement to other subdivisions;

(4) Researching the benefits of negotiated versus competitive bids;

(5) Other state's requirements and any recent changes;

(6) The ability to distinguish generic bond issues from an unusual or complex issue and possibility of mandating generic issues to be offered through competitive sale and unusual or complex issues to be offered through negotiated sale; and

(7) The evolution of the current Nebraska system.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 345. Introduced by Withem, 14.

PURPOSE: To study alternatives to the enrollment tiers currently used to distribute state aid for education and such related topics as fiscal incentives, transportation, students with special needs, and other issues related to the determination of formula need in the equalization formula.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 346. Introduced by Withem, 14.

PURPOSE: To continue to examine the workload of University of Nebraska faculty, within the context of current role and mission assignments, in accordance with LR 148 which was initiated by the members of the Ninety-second Legislature of Nebraska, First Session.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 347. Introduced by Withem, 14.

PURPOSE: To examine the impact of affiliation and option legislation as they relate to annexation pursuant to section 79-901.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 348. Introduced by Withem, 14.

PURPOSE: The purpose of this resolution is to conduct an interim study to investigate the issue of allowing state agencies, boards, commissions, and political subdivisions to use telecommunications processes in order to conduct public meetings. The study shall include, but not be limited to:

(1) Consideration of Attorney General opinion 92019 and its impact on agencies, boards, commissions, and political subdivisions;

(2) Consideration of the requirements of the open meetings law and the feasibility of amending such law to allow for utilization of telecommunications to conduct public hearings, in light of the Legislature's original intent to assure that public policy formation is open and accessible to the public;

(3) Consideration of the potential for telecommunications to increase citizen access to public meetings; and

(4) Consideration of minimum technical requirements which are necessary to assure openness and access in telecommunicated public meetings.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 349. Introduced by Withem, 14; Moore, 24.

PURPOSE: The Nebraska Research Initiative was established by the Legislature in 1988 at the University of Nebraska with the following objectives:

(1) To expand basic and applied research in areas such as engineering, biotechnology, and computer applications;

(2) To improve the ability of the University of Nebraska to compete for research funding; and

(3) To develop research capabilities in areas that are likely to be beneficial for economic development in the State of Nebraska, and a total of $47,400,000 has been appropriated by the Legislature for the Nebraska Research Initiative from 1988-89 to 1992-93. The University of Nebraska has targeted biotechnology, engineering, materials science, water science, decision sciences, and telecommunications management as the areas of research to receive support from the Nebraska Research Initiative. Because of the scope, magnitude, complexity, and dynamics of the research programs being conducted by the University of Nebraska with funding support from the Nebraska Research Initiative, it is difficult to convey the successes of these research programs in periodic written reports to the Legislature, and therefor it is in the public interest that the Legislature conduct an interim study and review of the various research programs of the University of Nebraska which have received funding support from the Nebraska Research Initiative.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Appropriations Committee and the Education Committee of the Legislature shall conduct a joint interim study of the research programs of the University of Nebraska which have received funding support from the Nebraska Research Initiative.

2. That such joint interim study shall include, but not be limited to, tours of research facilities on the Lincoln and Omaha campuses of the University of Nebraska and at least one public hearing in Lincoln and one public hearing in Omaha.

3. That the committees shall upon the conclusion of their study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 350. Introduced by Rogers, 41; Wickersham, 49; Morrissey, 1.

PURPOSE: The purpose of this resolution is to study emergency medical services in the State of Nebraska. The study shall include:

(1) The feasibility of consolidating of all emergency medical services (EMS) boards into one all-inclusive board under the direction of the Department of Health, Division of Emergency Medical Services;

(2) The feasibility of a tiered system of training and certification for EMS personnel which builds upon accredited training already completed for a previous level of EMS certification recognized in Nebraska statutes;

(3) A review of the funding requirements necessary to implement a statewide five-year communicable diseases immunization program for EMS personnel;

(4) A review of the funding requirements and sources of funds necessary to carry out state and local EMS training programs; and

(5) A review of the funding requirements and potential sources of funds to establish equipment grants.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 351. Introduced by Conway, 17.

PURPOSE: The Secretary of Transportation has been directed to establish and administer a national scenic byways program. States which have a scenic highway program may designate highways as scenic byways and receive federal technical and financial assistance for the planning, design, and development of state scenic byways from the Secretary of Transportation. The purpose of this resolution is to examine the concept of initiating a scenic byways program in the State of Nebraska.

As such programs have been shown to increase tourism, promote economic development, and enhance appreciation for cultural and historic assets within scenic byways corridors, the goal of the study will be to develop legislation enabling the state to initiate efforts for planning and program development for scenic byways. The study shall include, but not be limited to, the feasibility of a joint state and local designation of scenic byways corridors.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Government, Military and Veterans Affairs Committee and Transportation Committee of the Legislature shall be jointly designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 352. Introduced by Rasmussen, 20; Bohlke, 33; Kristensen, 37; Wesely, 26.

PURPOSE: The purpose of this resolution is to examine circumstances in which parents relinquished their rights as parents to their children in order to obtain needed services for their children by making them wards of the state.

In the course of this study, the committee shall:

1. Identify the number of children relinquished for the purpose of obtaining services between 1986 and 1992;
2. Identify the characteristics of the children and the services needed;
3. Identify the existing process for accessing services needed for children;

4. Identify the reasons why parents relinquish or perceive relinquishment as the only option for obtaining services for their children;

5. Identify the costs of providing needed services to children as wards of the state; and

6. Make recommendations for eliminating the relinquishment of parental rights as the sole method of obtaining needed services for children.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 353. Introduced by General Affairs Committee: Schellpeper, 18, Chairperson; Cudaback, 36; Hartnett, 45; Rasmussen, 20; Rogers, 41; Will, 8.

PURPOSE: The purpose of this study is to examine the potential impact of casino gambling in surrounding states on the economy of and legal gaming activities in the State of Nebraska. The study shall include, but not be limited to, the following:

(1) Economic impact of casino gambling on Nebraska communities located near such casino sites;

(2) The likely impact of casino gambling on charitable gaming, county and city lotteries, a proposed state lottery, and the horseracing industry; and

(3) Any other matters necessary or proper to an appropriate examination of this issue.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 354. Introduced by General Affairs Committee: Schellpeper, 18, Chairperson; Cudaback, 36; Hartnett, 45; Rasmussen, 20; Rogers, 41; Will, 8.

PURPOSE: The purpose of this study is to examine issues concerning the regulation of the use of alcoholic liquor in the State of Nebraska. The study shall include, but not be limited to, the following:

(1) Appropriate levels of license fees for retail liquor establishments;

(2) Methods of deterring minors from consuming alcoholic liquor;

(3) Whether there are appropriate penalties to deal with violations of the Nebraska Liquor Control Act; and

(4) Any other matters necessary or proper to an appropriate examination of this issue.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 355. Introduced by General Affairs Committee: Schellpeper, 18, Chairperson; Cudaback, 36; Hartnett, 45; Rasmussen, 20; Rogers, 41; Will, 8.

PURPOSE: The purpose of this study is to examine the potential impact of legalization of video keno machines or similar games on other legal gaming activities in the State of Nebraska. The study shall include, but not be limited to, the following:

(1) The likely impact of video keno devices on charitable gaming, other county and city lotteries, a proposed state lottery, and the horseracing industry;

(2) The likely impact of video keno devices on gaming on Indian lands in the State of Nebraska; and

(3) Any other matters necessary or proper to an appropriate examination of this issue.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 356. Introduced by Beutler, 28.

PURPOSE: The purpose of this resolution is to examine requiring Nebraska school districts to provide for a structured, supervised environment for its students between 7:30 a.m. and 5:30 p.m. each school day, with supervision not necessarily performed by a certified teacher unless instruction is taking place. The study will specifically include: The financial costs of such a requirement; the possible beneficial uses of the additional time, such as reading, study skills, homework, sound work habits, and remedial and gifted education; an analysis of similar requirements in other states; an analysis of statutory changes required by such a change; and an analysis of school district homework policies.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 357. Introduced by Beutler, 28.

PURPOSE: To study the ramifications of changing the definition of a minor to include unmarried children under the age of twenty-two who are attending school full-time (pursuing a high school diploma or its equivalent or vocational-technical training or a college or community college degree), and the consequences of allowing the extension of child support to those between the ages of nineteen and twenty-two so long as they are attending school full-time, and to determine whether other states allow similar child support options.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 358. Introduced by Beutler, 28.

PURPOSE: To study the operating structure and legal authority of the Game and Parks Commission. Specific examination will be devoted to determining whether the commission is democratically organized with one person, one vote, being the operative organizational form, whether the commission's name should be expanded to reflect the inclusion of all recreational activities within the commission's scope, whether the commission's name and legal structure should be altered to indicate that the goal of the commission is to serve as the lead organization in Nebraska for all recreational activities, and whether statutory changes are necessary to obtain that goal. The study will also include an examination of the structure and recreational authority of corresponding agencies in other states.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 359. Introduced by Beutler, 28.

PURPOSE: In the last thirty years, the population in Nebraska has shifted, decreasing in some areas and increasing in others. Areas with increased population have demonstrated an increased need for judicial services from county and district courts. Accordingly, more county and district judges have been added to the areas with increased population. However, only one judgeship has been deleted from the areas with decreased population. The purpose of this resolution is to study judicial redistricting as it pertains to district and county courts, specifically to determine the financial costs of maintaining existing districts, to identify possible alternative districts, to identify the probable financial and service consequences of such alternative districts, and to examine judicial redistricting in other states.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 360. Introduced by Beutler, 28.

PURPOSE: To explore two concepts related to the initiative and referendum processes in Nebraska: (1) That proposed initiatives and referenda be offered first to the Legislature for either adoption or placement on the ballot; (2) that the Legislature be allowed to propose statutory changes which are expressly conditioned upon the ratification of the people. This study will include an analysis of whether other states allow similar mechanisms and, if so, what those mechanisms are, how they are implemented, and with what results.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 361. Introduced by Beutler, 28.

PURPOSE: The purpose of this resolution is to study residential real estate closings in Nebraska. Specific areas of study will include the need for and procurement of fidelity bonds and errors and omissions insurance; the use of good funds; an identification of the different professional groups which perform real estate closings, and what protections each group provides to consumers in performing closings; and a comparison with real estate closing requirements in other states.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Banking, Commerce, and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 362. Introduced by Moore, 24.

PURPOSE: The purpose of this resolution is to study Nebraska's laws on the reimbursement rate for the use of private aircraft when traveling for purposes of state business. The study shall include (1) a review of the state's policy on the use of private aircraft for state business and the extent private aircraft is actually used for state business, (2) research regarding the costs associated with the use of private aircraft, (3) a cost comparison of private air travel and automobile travel, and (4) an examination of reimbursement rates for all types of travel for state business.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 363. Introduced by Appropriations Committee: Moore, 24, Chairperson; Ashford, 6; Bernard-Stevens, 42; Crosby, 29; Hillman, 48; L. Johnson, 15; Robinson, 16.

WHEREAS, the Public Service Commission was originally established as an elective State Railway Commission with three members by a constitutional amendment in 1905; and

WHEREAS, the Public Service Commission was enlarged to five members by a statutory change in 1964; and

WHEREAS, the Staggers Rail Act of 1980 and the Bus Regulatory Reform Act of 1982 have, except in a few instances, preempted the state's right to regulate rail and bus rates in intrastate commerce; and

WHEREAS, LB573 in 1982 exempted telephone companies with less than 5000 access lines from rate regulation by the Public Service Commission and LB835 in 1986 deregulated the majority of rates and charges of other communications companies in Nebraska; and

WHEREAS, statutes providing for Public Service Commission regulation of public warehouses in Nebraska were repealed in 1988; and

WHEREAS, the number of grain warehouses licensed by the Public Service Commission has decreased from 659 in 1976 to 345 in 1990; and

WHEREAS, Commissioner Rasmussen testified in the Appropriations Committee of the Legislative hearing January 31, 1992, that the number of hearings required and held by the Public Service Commission has decreased substantially since he first served on the commission in 1968; and

WHEREAS, salaries and expenses of the five commissioners totalled $255,262 General Funds in FY1990-91.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study on the feasibility, effects, and statutory mechanism for decreasing the number of Public Service Commissioners from five to three.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 364. Introduced by Bohlke, 33; Coordsen, 32.

PURPOSE: The purpose of this resolution is to examine the economic status of women and their families. Out of economic necessity, women are entering the work force in increasingly greater numbers. Sixty-one percent of Nebraska women are currently employed outside their home for pay. The majority of new jobs created in which women are participating are low-paying service sector jobs without benefits, while the cost of health care continues to increase. Many of the jobs available require extended education or training beyond high school. Women sixty years of age and older often have limited work histories and limited financial resources, thus limiting their access to the job market. Two-parent incomes have also become a necessity for quality of life in Nebraska, increasing the economic impact of divorce. The percentage of women and their children living in poverty is increasing.

For the above-stated reasons, this study will address various factors relating to the economic status of women and their families.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 934 in the Journal. No objections. So ordered.

AM3698

1. Insert the following new section:

"Section 1. That section 23-1118, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-1118. (1)(a) Unless the county has adopted a retirement system pursuant to section 23-2329, the county board of any county having a population of one hundred thousand inhabitants or more may, in its discretion and with the approval of the voters, provide retirement benefits for present and future employees of the county. The cost of such retirement benefits shall be funded in accordance with sound actuarial principles with the necessary cost being treated in the county budget in the same way as any other operating expense. ~~Each~~

(b) Except as provided in subdivision (c) of this subsection, each employee shall be required to contribute, or have contributed on his or her behalf, an amount at least equal to the county's contribution to the cost of any such retirement program as to service performed after the adoption of such retirement program, but the cost of any benefits based on prior service shall be borne solely by the county.

(c) In a county having a population of two hundred thousand or more inhabitants but not more than three hundred thousand inhabitants, the county shall establish the employee and employer contributions rates to the retirement program for each year for three years after the effective date of this act. The county shall contribute at least an amount equal to each employee's contribution, if any, to the cost of any such retirement program and by January 1, 1995, shall be contributing one hundred fifty percent of each employee's contribution. The combined contributions of the county and its employees to the cost of any such retirement program shall not exceed thirteen percent of the employees' salaries. This subdivision shall terminate on September 1, 1995, unless reenacted or reestablished by the Legislature.

(2) Before the county board provides retirement benefits for the employees of the county, such question shall be submitted at a regular general or primary election held within the county, and in which election all persons eligible to vote for the county officials of the county shall be entitled to vote on such question, which shall be submitted in the following language: Shall the county board provide retirement benefits for present and future employees of the county? If a majority of the votes cast upon such question ~~shall be~~ are in favor of such question, then the county board shall be empowered to provide retirement benefits for present and future employees as provided in this section. If such retirement benefits for present and

future county employees are approved by the voters and authorized by the county board, then the funds of such retirement system, in excess of the amount required for current operations as determined by the county board, may be invested and reinvested in the class of securities and investments described in section 30-3209.

(3) As used in this section, employees shall mean all persons or officers devoting more than twenty hours per week to employment by the county, all elected officers of the county, and such other persons or officers as are classified from time to time as permanent employees by the county board.

~~(2)~~ (4) The county may pick up the member contributions required by this section for all compensation paid on or after January 1, 1985, and the contributions so picked up shall be treated as employer contributions in determining federal tax treatment under the United States Internal Revenue Code, except that the county shall continue to withhold federal income taxes based upon these contributions until the Internal Revenue Service, or the federal courts, rule that, pursuant to section 414(h) of the United States Internal Revenue Code, these contributions shall not be included as gross income of the member until such time as they are distributed or made available. The county shall pay these member contributions from the same source of funds which is used in paying earnings to the member. The county shall pick up these contributions by a salary deduction either through a reduction in the cash salary of the member or a combination of a reduction in salary and offset against a future salary increase. Member contributions picked up shall be treated in the same manner and to the same extent as member contributions made prior to the date picked up.".

2. On page 24, line 7, after "sections" insert "23-1118,".

3. Renumber the remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 145. Title read. Considered.

Standing Committee amendment, AM0817, found in the Journal on page 1167, First Session, 1991, was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Messrs. Chambers and Moore asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Withem withdrew his pending amendment, AM2413, found in the Journal on page 328.

Mr. Ashford renewed his pending amendment, AM2986, found in the Journal on page 897.

Mr. Ashford offered the following amendment to his pending amendment:
AM3768

(Amendments to AM2986)

1. Strike section 8 and insert the following new section:

"Sec. 8. An employer shall be allowed a credit against his or her income tax liability imposed pursuant to sections 77-2714 to 77-27,123 in an amount equal to the wages and fringe benefits as defined in subdivision (3) of section 48-1229 paid to a replacement employee hired specifically to temporarily replace a current employee who is on unpaid leave pursuant to the Family Medical Leave Act. Such amount claimed as a credit shall be offset by any and all wages and fringe benefits that normally would have been paid to the employee taking leave. The credit may be carried forward for succeeding tax years.".

SPEAKER BAACK PRESIDING

Mr. Lindsay asked unanimous consent to be excused until he returns. No objections. So ordered.

Ms. Schimek moved the previous question. The question is, "Shall the debate now close?"

Mr. Ashford moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

The motion to cease debate prevailed with 25 ayes, 2 nays, and 22 not voting.

The Ashford amendment lost with 10 ayes, 25 nays, 7 present and not voting, and 7 excused and not voting.

Pending.

The Chair declared the call raised.

UNANIMOUS CONSENT - Print in Journal

Mr. Moore asked unanimous consent to print the following amendment to LB 1022 in the Journal. No objections. So ordered.

AM3749

1. Insert the following new section:

"Sec. 15. AGENCY NO. 20 – DEPARTMENT OF HEALTH

Program No. 177 - Administration

	FY1991-92	FY1992-93
CASH FUND	-0-	652,699
PROGRAM TOTAL	-0-	652,699
SALARY LIMIT	-0-	103,131

It is the intent of the Legislature that the Department of Health provide the Appropriations Committee with alternative plans for addressing the implementation of the 1986 amendments to the federal Safe Drinking Water Act prior to any commitment or expenditure of funds appropriated in this section.".

2. Insert the following new section:

"Sec. 24. AGENCY NO. 35 -- NEBRASKA LIQUOR CONTROL COMMISSION

Program No. 73 - Licensing and Regulation

Total expenditures for permanent and temporary salaries and per diems for FY1991-92 are hereby increased by $6,576. Total expenditures for permanent and temporary salaries and per diems for FY1992-93 are hereby increased by $2,184.".

3. a. Insert the following new section:

"Sec. 47. Program 904. The Department of Public Institutions is hereby authorized to replace the chiller at the Lincoln Regional Center which serves the

Central Office of the Department of Public Institutions, the Extended Care Unit, and the Lancaster County Crises Unit. There is hereby appropriated $103,000 from the State Building Fund for FY1991-92 to replace the chiller.".

b. On page 136, line 5, after "903," insert "904,".

4. Insert the following new section:

"Sec. 82. If legislation transferring administration for Juvenile Incarceration Alternatives aid and the Juvenile Services Coordinator from the Supreme Court to the Nebraska Commission on Law Enforcement and Criminal Justice does not become law, then there is hereby appropriated $63,486 from the General Fund for FY1992-93 to the Nebraska Commission on Law Enforcement and Criminal Justice, for Program 150, and the appropriation to the Supreme Court, for Program 52, is hereby reduced by $63,486 General Funds in FY1992-93.".

5. On page 13, after line 15 insert:

"It is the intent of the Legislature that state agencies adhere to the guidelines established by the Department of Administrative Services for the procurement of contractural professional services.".

6. On page 14, line 14, after the period insert "The State Building Administrator shall not enter into any such agreements until approval is secured from the Executive Board of the Legislative Council. Approval may be secured after the State Building Administrator has presented to the board information on the project, including costs of land acquisition, relocation of businesses and utilities, legal fees, and financing costs. Information shall be provided as to the sharing of costs with the city of Lincoln and parking volume necessary to generate sufficient income from parking fees to fully cover financing and operations costs.".

7. On page 17, after line 14 insert:

"(1) Program No. 513 - Environmental Control

	FY1991-92	FY1992-93
GENERAL FUND	-0-	98,322
CASH FUND	-0-	30,906
FEDERAL FUND est.	-0-	153,115

PROGRAM TOTAL -0- 282,343"
and in line 15 before "Program" insert "(2)".

8. On page 78, line 3, strike "and" and show as stricken; and in line 5 after "Education" insert ";
and

(i) One representative from the Nebraska Indian Community College".

9. a. On page 86, beginning with line 10 through line 25 strike the new matter and reinstate the stricken matter; and in line 21 after the period insert "It is the intent of the Legislature for the EPSCoR Program that faculty teams, clusters, research centers, or individual faculty from the various colleges and departments of all the campuses of the University of Nebraska and Creighton University should present to the EPSCoR Planning Committee research proposals to be funded by the EPSCoR Program. Inherent in this process is the concept that the best proposals be selected regardless of the campus of origin and that selections be on a competitive basis. Emphasis shall be placed on technology transfer and the research needs of business and industry. It is intended that the EPSCoR Planning Committee shall develop the Nebraska State Research Plan as part of the EPSCoR Program. It is further intended that the existing Research Fund Advisory Committee and the existing EPSCoR Planning Committee coordinate and integrate the planning and project evaluation criteria and procedures for both the Nebraska Research Initiative Program and the EPSCoR Program. Matching funds for any research grants to Creighton University shall be in the form of a contract in which specific services are identified and a time period is specified. Creighton University shall provide an appropriate share of any match beyond the $650,000 identified.".

b. On page 87, strike lines 1 through 9.

10. a. On page 98, strike line 3, show as stricken, and insert:
"CASH FUND 2,626,339 2,573,596"
strike line 5, show as stricken, and insert:
"PROGRAM TOTAL 3,279,255 3,226,512"
in line 8 strike "$2,376,611" and insert "$2,435,361"; and after line 12 insert:

"There is included in the appropriation to this program for FY1991-92 $58,750 Cash Funds for the settlement of a judgment rendered in Supreme Court Case No. 89-501, Nebraska State Patrol v. Booker.".

b. In AM3186, on page 31, line 9, strike "3,291,563" and insert "3,350,313"; and in line 10 strike "26,398,492" and insert "26,457,242".

11. In AM3186:

a. On page 22, strike line 8 and insert

"GENERAL FUND 361,434,158 373,759,483"

strike line 10 and insert

"PROGRAM TOTAL 400,684,056 416,510,744"

and in line 14 strike "$358,619,593" and insert "$358,919,593"; and

b. On page 23, strike line 21 and insert

"GENERAL FUND 457,205,654 479,313,456"

and strike line 23 and insert

"AGENCY TOTAL 563,163,940 589,452,502".

12. In AM3186:

a. On page 25, line 15, strike "80,000" and insert "120,000"; in line 17 strike "752,160" and insert "828,410"; in line 18 strike "680,254 877,160" and insert "720,254 953,410"; in line 24 strike "80,000" and insert "120,000"; and

b. On page 26, line 1, strike "930,160" and insert "1,006,410"; and in line 3 strike "869,038 1,055,160" and insert "909,038 1,131,410".

13. Renumber remaining sections accordingly.

Mr. Will asked unanimous consent to print the following amendment to LB 360 in the Journal. No objections. So ordered.

AM3735

(Amendments to AM3382)

1. On page 9, line 10, after the period insert "No judge shall serve more than two consecutive years as presiding judge.".

Mr. Will asked unanimous consent to print the following amendment to LB 360 in the Journal. No objections. So ordered.

AM3734

(Amendments to AM3382)

1. On page 2, line 8, reinstate the stricken

"annually"; and in line 9 strike the new matter.

Mr. Will asked unanimous consent to print the following amendment to LB 360 in the Journal. No objections. So ordered.

AM3737

(Amendments to AM3382)

1. On page 11, strike beginning with "The" in line 18 through the period in line 21.

Mrs. Crosby asked unanimous consent to print the following amendment to LB 1269 in the Journal. No objections. So ordered.

AM3579

1. Insert the following new section:

"Sec. 2. That section 77-202, Revised Statutes Supplement, 1991, as amended by section 53, Legislative Bill 1063, Ninety-second Legislature, Second Session, 1992, be amended to read as follows:

77-202. (1) The following property shall be exempt from property taxes:

(a) Property of the state and its governmental subdivisions;

(b) Property owned by and used exclusively for agricultural and horticultural societies;

(c) Property owned by educational, religious, charitable, or cemetery organizations and used exclusively for educational, religious, charitable, or cemetery purposes, when such property is not (i) owned or used for financial gain or profit to either the owner or user, (ii) used for the sale of alcoholic liquors for more than twenty hours per week, or (iii) owned or used by an organization which discriminates in membership or employment based on race, color, or national origin. For purposes of this subdivision, educational organization shall mean an institution operated exclusively for the purpose of offering regular courses with systematic instruction in academic, vocational, or technical subjects or a museum or historical society operated exclusively for the benefit and education of the public. For purposes of this subdivision, charitable organization shall mean an organization operated exclusively for the purpose of the mental, social, or physical benefit of the public or an indefinite number of persons. For purposes of this subdivision, a nonprofit amateur sports organization shall be deemed a charitable organization operated exclusively for the purpose of the social or physical benefit of the public or an indefinite number of persons notwithstanding any voluntary membership requirements of the organization. For purposes of this section, amateur sports organization shall mean any organization formed and operated to foster local, statewide, national, or international amateur sports competition and to support and develop amateur athletes for national or international competition in sports if no part of the net earnings of the organization inure to the benefit of any individual; and

(d) Household goods and personal effects not owned or used for financial gain or profit to either the owner or user.

(2) The increased value of land by reason of shade and ornamental trees planted along the highway shall not be taken into account in the valuation of land.

(3) If a constitutional amendment amending Article VIII of the Constitution of Nebraska is adopted in 1992, tangible personal property which is not depreciable tangible personal property as defined in section 48 of this act shall be exempt from property tax.

(4) Vehicles registered pursuant to section 60-305.09 and for which the registration fees prescribed in such section have been paid shall be exempt from payment of property taxes.

(5) If a constitutional amendment amending Article VIII of the Constitution of Nebraska is adopted in 1992, business and agricultural inventory shall be exempt from the personal property tax.

(6) Any personal property exempt pursuant to subsection (2) of section 77-4105 shall be exempt from the personal property tax.".

2. On page 27, line 20, strike "and"; and in line 21 after the third comma insert "and section 77-202, Revised Statutes Supplement, 1991, as amended by section 53, Legislative Bill 1063, Ninety-second

Legislature, Second Session, 1992,".

3. Renumber the remaining sections accordingly.

Mr. Kristensen asked unanimous consent to print the following amendment to LB 827 in the Journal. No objections. So ordered.

AM2316

(Amendments to E & R Amendments, AM5140)

1. On page 23, line 7, strike "Supreme Court" and insert "Court of Appeals"; in line 13 strike "in the Supreme Court" and insert "by the appellate court"; in line 17 strike "to the Supreme Court"; and in line 24 strike "Supreme Court" and insert "appellate court".

2. On page 24, lines 2 and 3, strike "Supreme Court" and insert "appellate court".

RESOLUTIONS

LEGISLATIVE RESOLUTION 365. Introduced by Moore, 24.

PURPOSE: In 1985 the Legislature initially enacted the Interstate Compact on Agricultural Grain Marketing, and in 1986 the Legislature changed the effective date of the compact. This compact and the resulting agency of the member states called the Interstate Agricultural Grain Marketing Commission became effective in 1987 when the required minimum of five states had enacted the compact into law, and it has now been five years since the Interstate Agricultural Grain Marketing Commission started operation. The purpose of this study shall be to examine the commission's activities and achievements as they relate to the responsibilities, duties, and goals of the commission as prescribed in the Interstate Compact on Agricultural Grain Marketing.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 366. Introduced by Moore, 24.

PURPOSE: The purpose of this resolution is to review Nebraska law regarding the collection of sales and ad valorem taxes on motor vehicles.

The study shall review the following issues:

(1) How to improve compliance with motor vehicle sales and ad valorem taxes and registration laws;

(2) The progress of voluntary participation in the Vehicle Title and Registration Computer System;

(3) How to simplify the motor vehicle titling and registration process both for consumers and county officials; and

(4) The level of noncompliance with current tax laws and registration relating to motor vehicles.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 367. Introduced by Beutler, 28.

PURPOSE: The purpose of this study is to review Nebraska governmental entities overseeing natural resources, especially water quality and water quantity, such as the Department of Environmental Control, the Nebraska Natural Resources Commission, the Department of Health, the Game and Parks Commission, and natural resources districts, to determine whether the organizational structure of those entities could be strengthened or combined in order to improve regulation of water quality and quantity. The review will include identification of similar agencies in other states.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 368. Introduced by Beutler, 28.

PURPOSE: The purpose of this resolution is to study related water issues in connection with the state's natural resources districts in order to determine (1) the probable future costs of managing ground water quality and quantity by obtaining an assessment of those costs from the natural resources districts, which estimated costs assessment shall include ground water management areas, special ground water quality protection areas, and ground water control areas, and (2) whether there is continuing ground water pollution and continuing ground water depletion within each natural resources district and to identify each natural resources district's efforts to correct ground water pollution and ground water depletion. The study will also examine the practical problems and consequences of taxing fertilizers and pesticides.

The study will also examine what, if any, changes are needed in the law relating to natural resources districts to facilitate proper management of water quality and quantity and what, if any, changes are needed in other areas of the statutes to help bring such problems under control.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 369. Introduced by Bernard-Stevens, 42.

PURPOSE: The purpose of this resolution is to examine the management by public power districts, public power and irrigation districts, irrigation districts, and natural resources districts of Nebraska's water, power, and environmental resources. In particular, the study will (1) evaluate the interrelationship, coordination, cooperation, and effectiveness of the districts in their collective efforts to manage the natural resources of the state, (2) analyze the FERC relicensing process with respect to the working relationship of the principals as it relates to the interests of the State of Nebraska, and (3) examine the current representation framework with respect to the needs of those directly served or affected.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 370. Introduced by Byars, 30.

PURPOSE: The purpose of this resolution is to examine the need for amending the statutes relating to preferred providers. Preferred provider organizations (PPO's) were first authorized by the Legislature in 1984 as one of several health care cost containment measures enacted by the Legislature.

Since that time, a question has arisen whether the cost containments realized by authorization of PPO's has actually been a benefit to consumers of health care services. This study shall focus on the actual benefit to health care consumers of the PPO law while studying the language of the preferred provider statutes, the regulatory function of the Department of Insurance relating to PPO's, the participation of consumers in choosing their own health care under a PPO arrangement, and any other issues necessary to conduct the study.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Banking, Commerce and Insurance Committee and the Health and Human Services Committee of the Legislature shall be jointly designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committees shall upon the conclusion of their study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 371. Introduced by L. Johnson, 15; Hefner, 19.

PURPOSE: The purpose of this resolution is to study the feasibility and utility of instituting a uniform and universal local sales tax in place of the Local Option Revenue Act.

The study should particularly address the following specific issues:

(1) Whether a local sales and use tax on all sales in the state would serve as a significant replacement for property taxes for funding local governments, particularly those serving primarily rural areas of the state;

(2) Whether a county sales and use tax rather than a municipal sales and use tax would ease administration and better serve the purposes of the Local Option Revenue Act; and

(3) Whether a universal local sales and use tax would promote efforts to collect the tax on mail order sales.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 372. Introduced by Byars, 30; Coordsen, 32.

PURPOSE: The purpose of this resolution is to study the need for construction of a minimum-medium correctional facility.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 373. Introduced by L. Johnson, 15; Byars, 30; Robinson, 16; Wesely, 26; Beyer, 3.

PURPOSE: The purpose of this resolution is to examine Nebraska's laws pertaining to the issuance of dealer license plates.

Since 1984 the number of passenger dealer plates issued annually has more than tripled, with over 10,500 dealer passenger plates in use in 1990. The Legislature should examine whether the proliferation of dealer plates is consistent with statutory restrictions on the issuance of dealer plates. Such examination should also consider whether abuse of dealer plates is widespread and whether the personal and private use privilege should be removed or restricted.

If reform is warranted, the Legislature should consider whether LB 980 introduced this session, or similar legislation, would serve as an appropriate vehicle to that end.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 374. Introduced by L. Johnson, 15.

WHEREAS, the Legislature has since 1967 gradually exempted personal property from local property taxes to the point that seventy-five percent of personal property was exempt by statute prior to this session; and

WHEREAS, the Legislature enacted LB 829 in the 1991 session which exempted all personal property except motor vehicles from the property tax for the 1991 tax year; and

WHEREAS, the Legislature, during the 1992 session, considered LB 1120 which would have permanently exempted all personal property except motor vehicles while simultaneously replacing revenue lost to local governments through alternative revenue sources; and

WHEREAS, a proposed constitutional amendment will be placed before the voters on the May primary ballot which will allow the Legislature to exempt all or part of the personal property tax base; and

WHEREAS, a sizable proportion and perhaps a majority of Nebraska citizens would support repeal of the personal property tax altogether and would base their support of the constitutional amendment on the prospect that personal property taxes may eventually be repealed; and

WHEREAS, the personal property tax comprises less than three percent of all tax revenue for the support of state and local governments in Nebraska; and

WHEREAS, the continued taxation of personal property has been, and is likely to continue to be, a source of litigation and instability in our state and local government revenue structure.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to examine whether total repeal of the personal property tax would lend stability and greater acceptability to Nebraska's overall revenue structure and to explore alternative revenue sources for the support of local governments.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with proposed legislation to accomplish a repeal of the personal property tax to be introduced in the Ninety-third Legislature, First Session.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 375. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Bohlke, 33; Labedz, 5; Rasmussen, 20; Schimek, 27; Will, 8.

PURPOSE: One of the principal issues reviewed by the Urban Affairs Committee is that of natural gas rate regulation by Nebraska's municipalities. Since the adoption of the Municipal Natural Gas Regulation Act in 1987, the committee has, on an annual basis, conducted an interim study on the operation of the act and related issues.

During this past interim, a series of proposals for changes to the act were prepared and presented to the committee in LB 1253. Because of the time constraints of the short session and the controversial nature of several of the proposed changes, the committee did not take final action on the proposals but deferred the matter for further study and negotiation during the next interim period.

Among the issues discussed was one which would have permitted municipalities to receive loans from the Municipal Natural Gas Regulation Revolving Loan Fund for the purpose of financing studies of their natural gas franchises to determine appropriate changes before franchise renewals were negotiated. Because of concerns and a lack of information on such issues as the cost of such studies, the number of studies occurring in any one-year period, the potential impact on the fund, and the precise nature of such studies, the committee determined that the principal thrust of this year's study should be a review of the franchise study proposal and a resolution of the issues involved.

The study would involve a review of the issues in LB 1253 and other related matters and a study of the issue of municipal natural gas franchises and their renewal and possible funding sources for studies undertaken in their regard by individual municipalities.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 376. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Bohlke, 33; Labedz, 5; Rasmussen, 20; Schimek, 27; Will, 8.

PURPOSE: One of the most important functions of Nebraska's cities and villages is the provision of utility services, the basic elements of life in society. Without the provision of these utilities at a reasonable price on demand it would be impossible for out communities to exist, much less to grow and prosper. Our cities and villages have the primary responsibility of insuring that their residents are properly served and that utilities are provided in a safe, efficient, and cost-effective manner. A large proportion of each municipality's work force is engaged in these functions and the costs involved are a major proportion of each individual city and village budget.

The efforts of the Urban Affairs Committee with regard to natural gas regulation and the recodification of the statutes governing the operations of the Metropolitan Utilities District have revealed the need for a broader review of the issues generally surrounding municipal utility services and a study of the manner in which such services are provided.

Such a study would endeavor to gather data from existing sources and to generate new data on the present status of municipal utility services. It would specifically address the following issues:

(1) The actual extent of municipal responsibility for the provision of the various utility services and mechanisms for financing such services;

(2) The current and projected future costs of providing the various utility services;

(3) The various elements underlying the projected future costs of providing utility services;

(4) Potential efficiencies from regional arrangements or other mechanisms for reducing costs; and

(5) Proposed statutory changes necessary to insure the ability of municipalities to continue to provide utility services and to alleviate cost burdens in the future.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 377. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Bohlke, 33; Labedz, 5; Rasmussen, 20; Schimek, 27; Will, 8.

PURPOSE: During the course of this legislative session, the Urban Affairs Committee was called upon to review two bills dealing with municipalities and their financial arrangements. LB 1106, which was introduced by Senator Conway, dealt with the statutory provisions on the deposits made by municipalities into certain financial institutions. LB 1256, which was introduced by Senator Withem, proposed to require an open-bidding process for the issuance of bonds by cities and villages.

In the hearings on the two bills, it became apparent that there was a need for a more careful review in a less time-sensitive environment of the issues raised by the two bills. Over the course of years, the sections of law involved have been amended and adopted and placed into various portions of the statutes. It was believed to be important to try and bring all the statutes together for a single review and study so that the full impact of any proposed changes could be studied and every necessary change could be made. Because of the number of different sections involved, it is important to ensure that any change does not result in unanticipated consequences which would not work to the benefit of the municipalities and the citizens. This is particularly important with regard to the sections on the issuance of bonds by municipalities since there are many different kinds of bonds issued for many different purposes.

This study would propose to extract from the broader statutes all of those relevant, individual sections for review and discussion in the light of the proposed issues raised by the two bills. Comments and suggestions would be solicited from municipal officials, representatives of financial institutions, municipal bond interests, and the general public. Legislation based on the results of the review and discussions would be prepared for introduction in the next session.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 378. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Bohlke, 33; Labedz, 5; Rasmussen, 20; Schimek, 27; Will, 8.

PURPOSE: Municipal annexation is a matter of continuing concern as an issue before the Urban Affairs Committee. In the past few years, the committee has revisited the issue on several occasions in an attempt to balance the interests involved. Legislation has been considered to deal with the situation where residents of the fringe area want to be annexed and the city will not, as well as the situation where the municipality wishes to annex and the fringe area residents do not wish to be annexed.

Several bills dealing with both sides of the issues have been reviewed and adopted, but the problems have not been fully resolved and further study is necessary.

During the course of the past few months, several particular issues have arisen which should be addressed in this study:

(1) Whether certain unincorporated areas of sizable population and extensive development which are too distant from existing cities for immediate annexation should be permitted to incorporate themselves as cities;

(2) When it is appropriate to require a city or village to redistrict itself for election purposes following annexation;

(3) Whether there should be restrictions on annexation during an election year;

(4) How much advance notice should be provided to residents of an area proposed for annexation before formal action on the annexation is taken;

(5) What sorts of procedural steps should take place before an area is formally placed before the city council for annexation consideration;

(6) When and how much notice should be provided to the residents of a fringe area when their area is part of an area proposed for annexation by a city; and

(7) What role residents of an area proposed for annexation should play in the determination of whether or not annexation is appropriate, that is, should they be permitted a vote on annexation before city council approval.

The proposed study would focus directly on these and related issues and would involve municipal officials as well as representatives of various groups of people that live in fringe areas near Nebraska cities. Legislation based on the results of the study would be prepared for introduction in the next legislative session.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 379. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Bohlke, 33; Labedz, 5; Rasmussen, 20; Schimek, 27; Will, 8.

PURPOSE: In 1987 through the efforts of the Urban Affairs Committee, the Legislature adopted legislation which substantially revised and rewrote Nebraska law on handicapped and disabled parking. Since the adoption of that legislation, the Urban Affairs Committee has, on an annual basis, been called upon to review various bills to adjust and revise various provisions of such law. Also in 1991, the United States Congress adopted broad and far reaching legislation dealing with the rights of the handicapped and the obligation of government at all levels to accommodate the special needs of handicapped individuals and ensure them free and full access to public facilities.

Now that five years have passed since the adoption of the original handicapped parking legislation and numerous changes have occurred in the situation surrounding the issue, it has become important to revisit the legislation to determine if substantial revision is necessary or warranted.

The proposed study would solicit comments from municipalities around the state on their experience with the legislation as well as from handicapped individuals and organizations representing handicapped individuals. Efforts would be undertaken to review similar legislation in other states and studies which have been done on the issue. It would be the goal of the study to prepare comprehensive legislation on handicapped and disabled parking to address the results of the review for introduction in the next session.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 380. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Bohlke, 33; Labedz, 5; Rasmussen, 20; Schimek, 27; Will, 8.

PURPOSE: Over the course of the past two legislative sessions, the Urban Affairs Committee of the Legislature has reviewed two pieces of legislation dealing with local city and county museums. This has indicated to the committee a resurgence in the interest in such museums and the general recognition of the important role that such museums play in enhancing the cultural and educational climate of the community and in improving the local economic well-being by encouraging tourism and travel.

The legislation introduced has also revealed that the statutes dealing with local museums have not been reviewed or revised to any great extent for more than thirty years and that the changing economic and legal relationship between the museums and the cities and counties have made the existing statutes awkward in application and has often caused such statutes to operate to the detriment of the interest of the city or county and the museum.

This study would propose a review of the current statutes with the assistance of the affected cities and counties and museums to determine what changes are necessary to enable them to operate efficiently and cooperatively with one another while preserving the public interest and investment in the facilities. The study would also propose to review similar arrangements in other states to determine if other types of public or private arrangements might not be beneficial and helpful.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 381. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Bohlke, 33; Labedz, 5; Rasmussen, 20; Schimek, 27; Will, 8.

PURPOSE: During this session, the Urban Affairs Committee gave consideration to LB 911, which was introduced by Senators Schimek, Crosby, and Dierks, which dealt with the authority of animal control officers in municipalities to issue citations. Discussions with regard to the bill revealed the need for a broader review of municipal animal control statutes to determine what authority currently existed for enforcement of the statutes and whether or not current statutory law adequately address the needs for humane treatment of animals in our cities and villages and the protection of the general public.

The proposed study would review current animal control statutes and solicit comments on them from the general public as well as municipal animal control authorities and experts. Suggested legislation to deal with revealed problems and to improve the system would be prepared for introduction in the next legislative session.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 382. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Bohlke, 33; Labedz, 5; Rasmussen, 20; Schimek, 27; Will, 8.

PURPOSE: Of the several standing committees in the Legislature, the Urban Affairs Committee has perhaps the broadest the most diverse subject matter jurisdiction. The committee traditionally has been referenced bills the subject matter of which extends from cemeteries to natural gas regulation to museums. Bills quite often arise from specific problems in specific municipalities in a manner which does not lend itself to early identification or classification as would be the case with issues within the jurisdiction of other committees. More often than not, these issues arise outside of the legislative session, and to address them adequately and fully in the next session action by the committee is necessary.

Recognizing this fact, the Urban Affairs Committee has, in the prior three interim periods, undertaken a general interim study aimed at identifying specific problems prior to the next legislative session to permit more careful review of legislative solutions before the session begins when time is not available for the type of analysis which the problem may deserve.

The purpose of this study is to repeat the process begun with LR 95 in the 1989 interim period and provide a forum during the interim period for municipalities and their representatives, as well as other interested parties, to present issues which could be the subject of future legislation or to solicit their reaction to proposals which have been presented to the committee for future consideration. The subjects available for committee consideration would extent to any matter relevant to the Urban Affairs Committee's subject matter jurisdiction.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 383. Introduced by Schimek, 27; Crosby, 29; Pirsch, 10; Nelson, 35; Bohlke, 33; Hillman, 48; Robak, 22; Rasmussen, 20; Labedz, 5.

PURPOSE: That a select committee of senators be formed to continue the work begun by the committee formed in LR 205, 1992.

The select committee shall:

(1) Review the congressional policy and legislative policies of other states pertaining to sexual harassment in the workplace;

(2) Review the work load and staffing needs, both present and future, of Nebraska's Equal Opportunity Commission, including the commission's regulations and procedures for conducting investigations;

(3) Assess the difficulties of filing, investigating, and prosecuting a sexual harassment claim with consideration of time delays, lack of support for the claimant, and financial restrictions; and

(4) Review other aspects of sexual harassment as the committee may deem necessary.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a Select Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 384. Introduced by Wesely, 26.

PURPOSE: The purpose of this resolution is to study ways to make improvements in the delivery of public health services in Nebraska. The study shall include, but not be limited to, an examination of:

(1) Current public health services in Nebraska;

(2) Improving the availability of public health services;

(3) Assuring that all children in Nebraska have needed immunizations;

(4) The "185% of poverty" medicaid option for pregnant women and young children;

(5) An analysis of possible ways to organize expanded public health service in Nebraska;

(6) Ways to improve public health service in rural Nebraska; and

(7) The health pocketbook system used in Japan.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 385. Introduced by Wesely, 26.

PURPOSE: The purpose of this study is to determine whether it should continue to be the policy of the State of Nebraska that birth and death certificates be open records.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 386. Introduced by Wesely, 26.

PURPOSE: The purpose of this resolution is to study the Nebraska Mental Health Commitment Act and the need for modification of that act. The study shall include the feasibility of adopting the American Psychiatric Association's Model Mental Health Commitment Act and other model legislation concerning mental health commitment.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 387. Introduced by Wesely, 26.

PURPOSE: The purpose of this study is to examine the general licensure laws in Nebraska governing the various Boards of Examiners within the Department of Health. The study should examine areas where there can be uniformity among the various health care professions licensed, certified, and registered in Nebraska and to make recommendations that will facilitate uniformity and simplification. The study shall also include a review of the fees charged health care professionals who are licensed, certified, or registered by the Department of Health. The current system is based on the number of individuals regulated in a particular health-care-related profession. The result is that professions with large numbers of members have lower fees than professions with fewer members who may have less ability to pay. The study should also examine whether fees charged should be based on the benefit to the public derived from the regulation of the various health-care-related professions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall call upon the resources of the Director of Research of the Legislature, the Legislative Fiscal Analyst, and other staff resources to carry out the purposes of this resolution.

3. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 388. Introduced by Wesely, 26.

PURPOSE: The purpose of this study is to examine job support services to persons with developmental disabilities and the degree of cooperation among the various providers of services to persons with developmental disabilities. The study shall include services provided by the Division of Rehabilitation Services of the State Department of Education and shall include an examination of the location of the division.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall call upon the resources of the Director of Research of the Legislature, the Legislative Fiscal Analyst, and other staff resources to carry out the purposes of this resolution.

3. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 389. Introduced by Wesely, 26.

PURPOSE: The purpose of this resolution is to continue the examination of the need for family resource centers in Nebraska. The study shall include an examination of current family resource centers, funding sources for the centers, and barriers to establishing such centers statewide. The study shall also address family support services provided by the Department of Social Services.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 390. Introduced by Wesely, 26.

PURPOSE: The purpose of this study is to examine the funding formula for community action agencies in Nebraska. The funding formula that is currently used has not been revised for a number of years. The study shall identify what elements and considerations should be used to distribute funds under the Community Services Block Grant Program.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall call upon the resources of the Director of Research of the Legislature, the Legislative Fiscal Analyst, and other staff resources to carry out the purposes of this resolution.

3. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 391. Introduced by Wesely, 26.

PURPOSE: The purpose of this resolution is to address the issues raised by Legislative Bill 514, Ninety-second Legislature, 1991, and various associated concerns. The study shall address the need for pharmacy technicians in Nebraska. If a need is found, the study shall make recommendations concerning the qualification, supervision, and training of pharmacy technicians.

The study shall be made by a Task Force appointed by the Health and Human Services Committee and shall be representative of interested parties, including the public.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 392. Introduced by Byars, 30.

PURPOSE: The purpose of this resolution is to study the procedures followed by state agencies and political subdivisions to collect delinquent fines, fees, accounts, or payments. The study shall include the possible implementation of alternative procedures, such as contracting with private collection agencies, for debt collection in order to enhance the ability to collect outstanding debt.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 393. Introduced by Hall, 7; Moore, 24; Wesely, 26.

PURPOSE: The purpose of this resolution is to examine health care and medicaid programs and the costs associated with those programs as they relate to Nebraska. The cost of the medicaid program has increased drastically in recent years due to federal mandates, increased eligibility, and increased health care costs generally. In addition, the federal match rate is dropping for Nebraskas medicaid programs in 1993 which would require Nebraska to pick up additional costs from state general funds. This study would include, but not be limited to, the state's utilization of medicaid options, the cost of health care in rural and urban areas as well as in not-for-profit and for-profit institutions, containing costs of the programs, and securing the necessary revenue to pay for the cost of health care and medicaid in the State of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a joint committee consisting of four members of the Appropriations Committee, four members of the Revenue Committee, and four members of the Health and Human Services Committee shall be appointed by each committee's respective chairperson and shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the joint committee shall seek the cooperation of the Department of Social Services, the Department of Public Institutions, and the Department of Revenue, as well as others concerned with health care issues. The committee shall be staffed by the affected legislative committee staff, the Legislative Research Division, the Legislative Fiscal Office, and postsecondary education personnel, as appropriate.

3. That the joint committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 394. Introduced by Byars, 30.

PURPOSE: To examine the history, use, procedure, and purpose for the natural resources districts' exercise of eminent domain.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 145. Mr. Ashford withdrew his pending amendment, AM2986, found in the Journal on page 897.

Mr. Ashford withdrew his pending amendment, AM3005, found in the Journal on page 1454.

Mr. Rogers asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers asked unanimous consent to be excused. No objections. So ordered.

Mr. Bernard-Stevens renewed his pending amendment, AM2819, found in the Journal on page 750.

Mr. Ashford asked unanimous consent to be excused. No objections. So ordered.

Mr. Bernard-Stevens withdrew his pending amendment.

Mr. Bernard-Stevens moved to indefinitely postpone LB 145.

Laid over.

RESOLUTIONS

LEGISLATIVE RESOLUTION 395. Introduced by Wesely, 26.

PURPOSE: The purpose of this study is to examine alternative and innovative ways of improving access to health care in rural Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 396. Introduced by Wesely, 26.

PURPOSE: The purpose of this study is to examine the health care needs of Nebraskans. The study shall include alternative ways to provide health care and health care insurance to Nebraskans who do not have access to health care or health insurance. The study shall also include a review of the Health Care Reform Act as considered by the Ninety-second Legislature, Second Session.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 397. Introduced by Wesely, 26.

PURPOSE: The purpose of this study is to examine services in Nebraska to children and their families. This study shall include the implementation of the recommendation in the "Children Under Three in Foster Care" study and examine the recommendations of the "Creating Caring Communities" study. The study shall also include monitoring of the work of the Child Protection Task Force of the Department of Social Services.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 398. Introduced by Wesely, 26.

PURPOSE: The purpose of this study is to monitor the implementation of all aspects of the Developmental Disabilities Act. As part of the study, the

Chairperson of the Health and Human Services Committee of the Legislature may appoint a taskforce comprised of senators, consumers and their families, providers, and advocates for persons with developmental disabilities to assist in carrying out such monitoring functions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 399. Introduced by Wesely, 26.

PURPOSE: The purpose of this resolution is to study the means by which the Legislature interacts with executive branch agencies and the private sector to formulate public policy. This study should examine ways by which the Legislature, the executive branch, and the general public can jointly identify common goals to achieve for our state. For example, there is a need to identify the various issues and policies that impact economic development in our state. With no particular committee assigned to this task in the Legislature, this study should examine how this particular issue can be addressed by the Legislature in cooperation with state agencies, the private sector, and the general public.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Executive Board of the Legislative Council of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the Executive Board of the Legislative Council shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 400. Introduced by Wesely, 26.

PURPOSE: The purpose of this study resolution is to examine the need for a state housing fund. The degree of need and the potential applications of the housing fund shall be examined in relationship to the needs and goals identified in the comprehensive housing affordability strategy.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 401. Introduced by Wesely, 26.

PURPOSE: The purpose of this resolution is to explore the possibility of providing liability protection to the many individuals who contribute their valuable knowledge and services as unpaid volunteers in the performance of various programs administered by the state, nonprofit organizations, or other community services in the State of Nebraska. Present law burdens these individuals with potential civil liability for personal injury or property damage resulting from their acts or omissions as volunteers. Consequently, the willingness of volunteers to offer their services may be deterred. Many states have granted immunity to volunteers when their acts or omissions are in good faith. A comparative study of these state statutes would aid in developing appropriate legislation for the State of Nebraska. Additionally, President Bush proposed the Model State Volunteer Service Act for adoption by the states as a means to balance both the victim's right to seek redress and the individual's right to volunteer without fear of litigation. This model act should also be studied to see if it is needed in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 402. Introduced by Wesely, 26.

PURPOSE: The purpose of this resolution is to examine problems and concerns regarding adoption in Nebraska. Adoption legislation, programs, and policies need to be examined to see how they can be improved. The nature, extent, and implications of advertising for adoption also needs to be studied.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary and Health and Human Services Committees of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 403. Introduced by Beyer, 3.

PURPOSE: Legislative Bill 353 was introduced to upgrade licensing standards for private investigators and private investigation agencies in this state. The bill created the Private Investigator Advisory Board and established continuing education and testing standards for the private investigation industry. Examinations of issues raised by the bill revealed several problems, including delegation of legislative powers and the need for additional specifics as it relates to the duties of the board, which need to be further studied and addressed. The purposes of this resolution is to study the issues raised by the bill.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a special committee of the Legislature shall be appointed by the Executive Board of the Legislative Council to conduct an interim study to carry out the purposes of this resolution.
2. That the special committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 404. Introduced by Schellpeper, 18; Will, 8; Rogers, 41; Rasmussen, 20; Hartnett, 45; Labedz, 5.

PURPOSE: The purpose of this study is to examine appropriate levels of regulation of charitable gaming activities in the State of Nebraska. The study shall include the following:

1. Whether there is sufficient regulatory authority to maintain the integrity of charitable gaming activities in the State of Nebraska;
2. Whether there is a need for additional penalties to deter improper activities in relation to charitable gaming in the State of Nebraska; and
3. Any other matters necessary or proper to an appropriate examination of this issue.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 405. Introduced by Robak, 22; Bernard-Stevens, 42; Pirsch, 10.

PURPOSE: This resolution seeks to establish a task force that would do the following:

(1) Examine how our state's mental health services, including inpatient, outpatient, and informational services, are administered through the Department of Public Institutions and the regional structure, and determine if the present system best serves the needs of the citizens of our state who are or who could benefit by being consumers of these services;

(2) Offer recommendations as to how the administration of these services can be improved or reorganized in order to better serve the mental health needs of our state;

(3) Examine, describe, and evaluate the multiple funding mechanisms currently in place for funding mental health services, including federal, state, regional, and county participation;

(4) Offer recommendations as to how these multiple funding mechanisms for mental health services can be augmented, improved, or reorganized; and

(5) Seek input from advocacy groups and past, present, and potential users of mental health services regarding the extent to which their needs are and are not being met and seek their suggestions for changes in the inpatient, outpatient, and informational components of out state's mental health system.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a task force be assembled and designated by the Executive Board of the Legislative Council to conduct an interim study to carry out the purposes of this resolution.
2. That the task force consist of the introducers of this resolution, a representative of the Health and Human Services Committee, a representative of the Government, Military and Veterans Affairs Committee, and a representative of the Appropriations Committee of the Legislature.
3. That the task force shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 406. Introduced by Wesely, 26; Chizek, 31.

PURPOSE: The purpose of this resolution is to study guardianships and conservatorships, including the duties and responsibilities of guardians and conservators, whether or not guardians and conservators should be trained, and whether or not there should be expedited hearings after the entry of an ex parte order appointing a temporary guardian or conservator.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 407. Introduced by Health and Human Services Committee: Wesely, 26, Chairperson; Beyer, 3; Byars, 30; Cudaback, 36; Rasmussen, 20; Schellpeper, 18.

PURPOSE: The State of Nebraska is affected fiscally and socially by the need for and provision of human service programs and by the health status of its citizens. These human service and health status issues include, but are not limited to, child care, cost containment for health care services, availability of nurses and other health care providers, the medically handicapped children's program, health care for the medically indigent, maternal and infant care, mental health, mental retardation and other developmental disabilities, substance abuse, poverty, regulation of new health professions, the comprehensive health insurance pool, rural health care availability, teenage pregnancy, child abuse, adult abuse, medicaid services, fees for licensure, the disabled persons and family support program, hunger, acquired immunodeficiency syndrome, sexual abuse of children, and certificates of need. These issues have been reviewed but need continued review by the Legislature to determine the appropriate legislative responses.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 408. Introduced by Lynch, 13.

PURPOSE: The propose of this study is to investigate the problems caused by the reentry of students from home schools back into the public school setting. Some of the following questions need to be explored:

(1) How do public schools grant credits for course work taken while in a home school setting?

(2) Do home school courses count toward a public high school graduation certificate?

(3) What follow-up has been done by the State Department of Education in checking the type and quality of education students in home schools are receiving?

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 1184. Title read. Considered.

Standing Committee amendment, AM2871, found in the Journal on page 891, was considered.

Messrs. Conway and Morrissey asked unanimous consent to be excused until they return. No objections. So ordered.

The Standing Committee amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

PRESIDENT MOUL PRESIDING

Mrs. Rasmussen offered the following amendment:
AM3140

1. Strike original section 5 and all amendments thereto and insert the following new sections:

"Sec. 5. That section 24-519, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

24-519. Clerk magistrates shall have authority to perform the following duties:

(1) To conduct any proceeding which is based on a misdemeanor, traffic infraction, violation of a city or village ordinance, or traffic violation or infraction under the laws of this state, except the trial of defendants who plead not guilty or for whom a not guilty plea has been entered. Any penalty imposed under this subdivision shall be made pursuant to a schedule established by the Supreme Court. Such schedule shall not provide for imprisonment;

(2) To conduct any proceeding for the issuance

of warrants for arrest or for searches and seizures when no county or district judge is available in the county;

(3) To hear and determine any nonfelony proceeding for preliminary examination to determine probable cause or the release on bail of persons charged with bailable offenses;

(4) To determine temporary custody of a juvenile pursuant to ~~section~~ sections 43-251, 43-253, 43-254, and 43-258. An order of a clerk magistrate shall be reviewed by the county judge upon the written request of any party to the action within ten days of the order. Such order may be affirmed, modified, or set aside by the county judge. The clerk magistrate may also appoint a guardian ad litem as provided in section 43-272.01;

(5) To hear and determine noncontested proceedings relating to decedents' estates, inheritance tax matters, and guardianship or conservatorship, except that matters relating to the construction of wills and trusts, the determination of title to real estate, and an authorization of the sale or mortgaging of real estate shall not be heard by a clerk magistrate; and

(6) To enter orders for hearings and trials, including orders for garnishment and hearings on distribution of garnished funds.

Sec. 8. That section 43-272.01, Revised Statutes Supplement, 1990, be amended to read as follows:

43-272.01. (1) A guardian ad litem as provided for in subsections (2) and (3) of section 43-272 shall be appointed when a child is removed from his or her surroundings pursuant to subdivision (3) of section 43-248, subdivision (4) of section 43-250, or section 43-251. If removal has not occurred, a guardian ad litem shall be appointed at the commencement of all cases brought under subdivision (3)(a) or (8) of section 43-247 and section 28-707.

(2) In the course of discharging duties as guardian ad litem, the person so appointed shall consider, but not be limited to, the criteria provided in this subsection. The guardian ad litem:

(a) ~~is~~ Is appointed to stand in lieu of a parent for a protected juvenile who is the subject of a juvenile court petition, ~~and~~ shall be present at all hearings before the court in such matter unless expressly excused by the court, and may enter into such stipulations and agreements concerning adjudication and disposition deemed by him or her to be in the juvenile's best interests;

(b) Is ~~, (b) is~~ not appointed to ~~prosecute or~~ defend the parents or other custodian of the protected juvenile but shall defend the legal and social interests of such juvenile. Social interests shall be defined generally as the usual and reasonable expectations of society for the appropriate parental custody and protection and quality of life for juveniles without regard to the socioeconomic status of the parents or other custodians of the juvenile;

(c) May ~~, (c) may~~ at any time after the filing of the petition move the court of jurisdiction to provide medical or psychological treatment or evaluation as set out in section 43-258. The guardian ad litem shall have access to all reports resulting from any examination ordered under section 43-258, and such reports shall be used for evaluating the status of the protected juvenile;

(d) Shall ~~, (d) shall~~ make every reasonable effort to become familiar with the needs of the protected juvenile which may include (i) visitation with the juvenile within two weeks after the appointment and once every six months thereafter and (ii) consultation with caseworkers, physicians, psychologists, foster parents or other custodians, teachers, clergy members, and others directly involved with the juvenile or who may have information or knowledge about the circumstances which brought the juvenile court action or related cases and the development of the juvenile;

(e) May ~~, (e) may~~ present evidence and witnesses and cross-examine witnesses at all evidentiary hearings;

(f) Shall ~~, (f) shall~~ be responsible for making recommendations to the court regarding the temporary and permanent placement of the protected juvenile and shall submit a written report to the court at every dispositional or review hearing, or in the alternative, the court may provide the guardian ad litem with a checklist that shall be completed and presented to the court at every dispositional or review hearing;

(g) Shall ~~, (g) shall~~ consider such other information as is warranted by the nature and circumstances of a particular case; and

(h) May ~~, and (h) may~~ file a petition in the juvenile court on behalf of the juvenile, including a supplemental petition as provided in section 43-291.

(3) Nothing in this section shall operate to limit the discretion of the juvenile court in protecting the best interests of a juvenile who is the subject of a juvenile court petition.

(4) For purposes of subdivision (2)(d) of this section, the court may order the expense of such consultation, if any, to be paid by the county in which the juvenile court action is brought or the court may, after notice and hearing, assess the cost of such consultation, if any, in whole or in part to the parents of the juvenile. The ~~parents'~~ ability of the parents to pay and the amount of the payment shall be determined by the court by appropriate examination.

Sec. 9. That section 43-278, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-278. ~~The hearing as to a juvenile in custody of the probation officer or the court shall be held as soon as possible but, in all cases, within a six-month period after the petition is filed, and as to a juvenile not in such custody as soon as practicable but, in all cases, within a six-month period after the petition is filed. The computation of the six-month period provided for in this section shall be made as provided in section 29-1207, as applicable.~~ All cases filed under subdivision (3) of section 43-247 shall have an adjudication hearing not more than ninety days after a petition is filed. Upon a showing of good cause, the court may continue the case beyond the ninety-day period. The court shall also review every case filed under such subdivision which has been adjudicated or transferred to it for disposition not less than once every six months. All communications, notices, orders, authorizations, and requests authorized or required in the Nebraska Juvenile Code, with the exception of any adjudication hearing, disposition hearing, or hearing to terminate parental rights, may be made by telephone when other means of communication are impractical as determined by the court. All of the orders generated by way of a telephonic hearing shall be recorded as if the judge were conducting a hearing on the record.

Sec. 10. That section 43-285, Revised Statutes Supplement, 1990, be amended to read as follows:

43-285. (1) When the court awards a juvenile to the care of the Department of Social Services, an association, or an individual in accordance with the Nebraska Juvenile Code, the juvenile shall, unless otherwise ordered, become a ward and be subject to the guardianship of the department, association, or individual to whose care he or she is committed. Any such association and the ~~Department of Social Services~~ department shall have authority, by and with the assent of the court, to determine the care, placement, medical services, psychiatric services, training, and expenditures on behalf of each juvenile committed to it. Such guardianship shall not include the guardianship of any estate of the juvenile.

(2) Following an adjudication hearing at which a juvenile is adjudged to be under subdivision (3) of section 43-247, the court may order the department to prepare and file with the court a proposed plan for the care, placement, and services which are to be provided to such juvenile and his or her family. If any other party, including, but not limited to, the guardian ad litem, parents, county attorney, or custodian, proves by a preponderance of the evidence that the department's plan is not in the juvenile's best interests, the court shall disapprove the department's plan. The court may modify the plan, order that an alternative plan be developed, or implement another plan that is in the juvenile's best interests. Rules of evidence shall not apply at the dispositional hearing when the court considers the plan that has been presented. The department or any other party may request a review of the court's order concerning the plan by a juvenile review panel as provided in section 43-287.04.

(3) Within thirty days after an order awarding

a juvenile to the care of the department, an association, or an individual and until the juvenile reaches the age of majority, the department, association, or individual shall file with the court a report stating the location of the juvenile's placement and the needs of the juvenile in order to effectuate the purposes of subdivision (1) of section 43-246. The department, association, or individual shall file a report with the court once every six months or at shorter intervals if ordered by the court or deemed appropriate by the department, association, or individual. The department, association, or individual shall file a report and notice of placement change with the court and shall send copies of the notice to all interested parties at least seven days before the placement of the juvenile is changed from what the court originally considered to be a suitable family home or institution to some other custodial situation in order to effectuate the purposes of subdivision (1) of section 43-246. The court, on its own motion or upon the filing of an objection to the change by an interested party, may order a hearing to review such a change in placement and may order that the change be stayed until the completion of the hearing. Nothing in this section shall prevent the court on an ex parte basis from approving an immediate change in placement upon good cause shown. The department may make an immediate change in placement without court approval only if the juvenile is in a harmful or dangerous situation or when the foster parents request that the juvenile be removed from their home. Approval of the court shall be sought within twenty-four hours after making the change in placement or as soon thereafter as possible. The department or any other party may request a review of the change in placement by a juvenile review panel in the manner set out in section 43-287.04. The department shall provide the juvenile's guardian ad litem with a copy of any report filed with the court by the department pursuant to this subsection.

(4) When the court awards a juvenile to the care of the department, an association, or an individual, then the department, association, or individual shall have standing as a party to file any

pleading or motion, to be heard by the court with regard to such filings, and to be granted any review or relief requested in such filings consistent with the Nebraska Juvenile Code.

(5) Whenever a juvenile is in a foster care placement as defined in section 43-1301, the State Foster Care Review Board may participate in proceedings concerning the juvenile as provided in section 43-1313.

(6) Any written findings or recommendations of the State Foster Care Review Board or any designated local foster care review board with regard to a juvenile in a foster care placement submitted to a court having jurisdiction over such juvenile shall be admissible in any proceeding concerning such juvenile if such findings or recommendations have been provided to all other parties of record.

(7) Any member of the State Foster Care Review Board, any of its agents or employees, or any member of any local foster care review board participating in an investigation or making any report pursuant to the Foster Care Review Act or participating in a judicial proceeding pursuant to this section shall be immune from any civil liability that would otherwise be incurred except for false statements negligently made.

Sec. 11. That section 43-2,107, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-2,107. On application of a party or on the court's own motion, the court may restrain or otherwise control the conduct of a person if a petition has been filed under the Nebraska Juvenile Code and the court finds that such conduct is or may be detrimental or harmful to the juvenile. Notice of the application or motion and an opportunity to be heard thereon shall be given to the person against whom such application or motion is directed, except that the court may enter a temporary order restraining or otherwise controlling the conduct of a person for the protection of a juvenile without prior notice if it appears to the court that it is necessary to issue such order forthwith. Such temporary order shall be effective not to exceed ten days and shall not be binding against any person unless he or she ~~shall have~~ has received a copy of such order.

Any individual who violates an order restraining or otherwise controlling his or her conduct under this section shall be guilty of a Class II misdemeanor and may be proceeded against as described in sections 42-928 and 42-929.

Sec. 12. That original sections 24-519, 28-713, 43-278, and 43-2,107, Reissue Revised Statutes of Nebraska, 1943, sections 43-272.01 and 43-285, Revised Statutes Supplement, 1990, and section 28-101, Revised Statutes Supplement, 1991, and also section 28-712, Revised Statutes Supplement, 1990, are repealed.".

2. Renumber the remaining sections accordingly.

Mrs. Crosby asked unanimous consent to be excused until she returns. No objections. So ordered.

The Rasmussen amendment was adopted with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

Mr. Hartnett asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for review with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 988. Title read. Considered.

Mr. Warner withdrew his pending amendment, FA276, found in the Journal on page 906.

Mr. Warner renewed his pending amendment, AM3605, found in the Journal on page 1527.

The Warner amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Mr. Chizek asked unanimous consent to be excused until he returns. No objections. So ordered.

Ms. Schimek renewed her pending amendment, AM3007, found in this day's Journal.

Mr. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

Ms. Schimek withdrew her pending amendment.

Advanced to E & R for review with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

MESSAGE FROM THE GOVERNOR

March 26, 1992

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

LB 424 was received in my office on March 24, 1992. This bill was signed by me on March 26, 1992 and delivered to the Secretary of State.

LB 424 does a number of things to make our election laws better. You will recall in the last election there were a number of problems relating to the validity of ballots. LB 424 clarifies the laws and allows for initials to be used by the judges and election officials and designates a place on the ballot for such initials.

The bill increases the wages paid to election officials from a set statutory amount to the federal minimum wage. The statutory amount was in conflict with the federal guidelines which pertain to all national elections.

The bill provides for the use of the optical-scan voting or tabulating devices in the tabulation of the ballots and it further clarifies write-in procedures.

The bill clarifies the statutes for judges and election officials. It also requires that when paid petition circulators are used, individual voters be informed that the circulator is being paid to collect signatures.

LB 424 requires that all petitions being circulated by paid petition circulators carry the words on the face of the petition that the petition is being circulated by a paid circulator. It also requires that the petition circulator be a resident and a registered voter of the county in which they are circulating a petition.

It is this last requirement that has drawn fire. Yet, I believe strongly that it is the duty of the state to insure integrity in the election process. This bill protects the process from fraud and manipulation by varied interest groups and outside influence. The petition process needs to remain a grass roots, citizens rights, action process. This bill, while requiring circulators to be residents of the county in which they circulate a petition, clearly allows citizens to be involved. I believe the provision will lead to an even more dedicated, grass roots effort by the people seeking changes through the petition process.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:kmv

UNANIMOUS CONSENT - Print in Journal

Mr. Lynch asked unanimous consent to print the following amendment to LB 1238 in the Journal. No objections. So ordered.

AM3438

1. Insert the following new section:

"Sec. 2. That section 79-3819, Revised Statutes Supplement, 1991, as amended by section 205, Legislative Bill 1063, Ninety-second Legislature, Second Session, 1992, be amended to read as follows:

79-3819. A district may exceed its applicable allowable growth rate by a specific dollar amount in the situations described in this section.

(1) A district demonstrates to the satisfaction of the state board that a new program is required by state or federal law or an existing program mandated by state or federal law has been expanded as a result of changes in such state or federal law. For purposes of this subsection, a final order of a court from which no appeal is taken which requires reimbursement by a district of property taxes to a taxpayer shall be considered a new program required by state or federal law but shall not be included as part of the general fund budget of expenditures for purposes of section 79-3814.

(2) The district projects an increase in formula students in the district over the current school year greater than twenty-five students or greater than those listed in the schedule provided in this subsection, whichever is less. Districts shall project increases in formula students on forms prescribed by the department. The state board shall approve, deny, or modify the projected increases.

Average daily membership of district	Projected increase of formula student by percentage
0 - 50	10
50.01 - 250	5
250.01 - 1,000	3
1,000.01 and over	1

The department shall compute the district's estimated allowable budget per pupil using the budgeted general fund expenditures found on the budget statement for the current school year divided by the number of formula students in the current school year and multiplied by the district's applicable allowable growth rate. The resulting allowable budget per pupil shall be multiplied by the projected formula students to arrive at the estimated budget needs for the ensuing year. The department shall allow the district to increase its general fund budget of expenditures for the ensuing school year by the amount necessary to fund the estimated budget needs of the district as computed pursuant to this subsection. On or before July 1 of each year, the department shall make needed revisions in the applicable allowable growth rate of districts which have been allowed additional growth pursuant to this subsection to reflect the actual formula students of such district and shall certify such revisions to each district.

(3) Construction, expansion, or alteration of district buildings will cause an increase in building operation and maintenance costs of at least five percent. The department shall document the projected increase in building operation and maintenance costs and may allow a district to exceed its applicable allowable growth percentage by the amount necessary to fund such increased costs. The department shall compute the actual

increased costs for the school year and shall, if needed, modify the district's applicable allowable growth rate for the ensuing school year.

(4) A district demonstrates to the satisfaction of the state board that as a result of an order entered into by the Commission of Industrial Relations pursuant to section 48-818 establishing rates of pay, benefits, and other terms and conditions of employment, the district will exceed its applicable growth rate. The department shall compute the amount by which the increase in employee costs exceeds the district's applicable allowable growth rate and shall allow the district to increase its general fund budget of expenditures by such amount.

(5) A district demonstrates to the satisfaction of the state board that it will exceed its allowable growth rate as a result of a contested, but settled, contract dispute, claim, or breach or uninsured risk or as a result of any final judgment of any court of competent jurisdiction, requiring or obligating the district to pay such judgment. The department shall compute the amount by which the increased cost of the settlement or judgment exceeds the district's applicable allowable growth rate and shall allow the district to increase its general fund budget of expenditures by such amount.".

2. On page 5, line 9, strike "is" and insert "and section 79-3819, Revised Statutes Supplement, 1991, as amended by section 205, Legislative Bill 1063, Ninety-second Legislature, Second Session, 1992, are".

Messrs. Withem and Ashford asked unanimous consent to print the following amendment to LB 142A in the Journal. No objections. So ordered.

AM3704

(Amendments to Final Reading copy)

1. Strike section 1 and insert the following new sections:

"Section 1. That section 79-445, Revised Statutes Supplement, 1991, be amended to read as follows:

79-445. The school board or board of

education may admit nonresident pupils to the school district, ~~school,~~ may determine the rate of tuition of the pupils, and shall collect such tuition in advance. When the pupil as a ward of the state or as a ward of any court (1) has been placed in a public school district other than the district in which he or she resided at the time he or she became a ward and such ward does not reside in a foster family home licensed or approved by the Department of Social Services or a foster home maintained or used by the Department of Correctional Services pursuant to section 83-108.04 and is not participating in a special education program or (2) has been placed in any institution which maintains a special education program which has been approved by the State Department of Education and such institution is not owned or operated by the pupil's resident school district, the cost of his or her education and the required transportation costs associated with the child's education shall be paid by the state but not in advance to the receiving school district or approved institution or paid to the county nonresident high school tuition fund under rules and regulations prescribed by the Department of Social Services. Any pupil who is a ward of the state or a ward of any court who resides in a foster family home licensed or approved by the Department of Social Services or a foster home maintained or used by the Department of Correctional Services pursuant to section 83-108.04 shall be deemed a resident of the district in which the foster family home or foster home is located. In the case of any individual eighteen years of age or younger who is a ward of the state or any court and who is placed in a county detention home as established under section 43-2,110, the cost of his or her education shall be paid by the state, regardless of such individual's district of residency, to the agency or institution which: (1) Is selected by the county board with jurisdiction over such detention home; (2) has agreed or contracted with such county board to provide educational services; and (3) has been approved by the State Department of Education pursuant to rules and regulations prescribed by the State Board of Education. No tuition shall be charged for children who may be by law allowed to attend the school without charge. The public school district in which the parent or guardian of any nonresident pupil maintains his or her legal residence shall not be liable for the payment of tuition fees and the children of school age of such parent or guardian shall be entitled to free common school privileges the same as any child who is a bona fide resident of such school district whenever the parent or guardian of such nonresident pupil, having entered the public service of the State of Nebraska, has removed from the school district in which he or she maintains legal residence into another school district for temporary purposes incidental to serving the state, without the intention of making the school district to which the parent or guardian has removed his or her legal residence. No tuition shall be charged for a child whose parents are divorced if such child attends school in a district in which either parent resides. The burden of proof as to legal residence shall rest with the person claiming legal residence in any district. The school district may allow a pupil whose residency in the district ceases during a school year to continue attending school for the remainder of that school year without payment of tuition.

The school board or board of education may admit nonresident pupils to the ~~district~~ school district without requiring the payment of tuition if such pupils are in the actual physical custody of a resident of the school district and are not residents of an adjoining school district and the school board or board of education determines that the pupils would otherwise be denied guaranteed free common school privileges.

Sec. 2. That original section 79-445, Revised Statutes Supplement, 1991, is repealed.".

2. On page 1, strike beginning with "appropriations" in line 1 through the period in line 4 and insert "schools; to amend section 79-445, Revised Statutes Supplement, 1991; to change provisions relating to the cost of the education of a student who is in a foster family home and is a ward of the state or a court; and to repeal the original section.".

Mr. Hall asked unanimous consent to print the following amendment to LB 1135 in the Journal. No objections. So ordered.

AM3625

(Amendments to AM3515)

1. On page 1, strike beginning with "of" in line 13 through the first comma in line 14; and in line 15 strike "of value"; and

2. On page 2, line 8, strike "of values" and insert "of which passenger cars, pickups, and vans weighing less than five tons have a value when new of less than seventeen thousand dollars and which have a value when new of seventeen thousand dollars or more" strike "assessor" and insert "treasurer"; and in line 12 strike "determine the values" and insert "make the determination".

Mr. Cudaback asked unanimous consent to print the following amendment to LB 1272A in the Journal. No objections. So ordered.

AM3696

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. There is hereby appropriated (1) $368,938 from the General Fund for FY1992-93 and (2) $229,810 from the General Fund for FY1993-94 to the Department of Revenue, for Program 102, to aid in carrying out the provisions of Legislative Bill 1272, Ninety-second Legislature, Second Session, 1992.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

Sec. 2. There is hereby appropriated (1) $125,200 from the General Fund for FY1992-93 and (2) $61,650 from the General Fund for FY1993-94 to the State Department of Education, for Program 440, to aid in carrying out the provisions of Legislative Bill 1272, Ninety-second Legislature, Second Session, 1992.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $36,120 for FY1992-93 or $38,646 for FY1993-94.

Sec. 3. There is hereby appropriated (1) $5,000,000 from the General Fund for FY1992-93 and (2)

$5,000,000 from the General Fund for FY1993-94 to the State Treasurer, for Program 120, to aid in carrying out the provisions of Legislative Bill 1272, Ninety-second Legislature, Second Session, 1992.

There is included in the appropriation to this program for FY1992-93 $5,000,000 General Funds for state aid, which shall be added to other appropriations to this program and distributed as prescribed in Legislative Bill 1272, Ninety-second Legislature, Second Session, 1992. The total appropriation shall only be used for state aid distributions.

There is included in the appropriation to this program for FY1993-94 $5,000,000 General Funds for state aid, which shall be added to other appropriations to this program and distributed as prescribed in Legislative Bill 1272, Ninety-second Legislature, Second Session, 1992. The total appropriation shall only be used for state aid distributions.

Sec. 4. There is hereby appropriated (1) $8,000,000 from the General Fund for FY1992-93 and (2) $8,000,000 from the General Fund for FY1993-94 to the State Treasurer, for Program 149, to aid in carrying out the provisions of Legislative Bill 1272, Ninety-second Legislature, Second Session, 1992.

There is included in the appropriation to this program for FY1992-93 $8,000,000 General Funds for state aid, which shall be added to other appropriations to this program and distributed as prescribed in Legislative Bill 1272, Ninety-second Legislature, Second Session, 1992. The total appropriation shall only be used for state aid distributions.

There is included in the appropriation to this program for FY1993-94 $8,000,000 General Funds for state aid, which shall be added to other appropriations to this program and distributed as prescribed in Legislative Bill 1272, Ninety-second Legislature, Second Session, 1992. The total appropriation shall only be used for state aid distributions.

Sec. 5. There is hereby appropriated (1) $40,000,000 from the General Fund for FY1992-93 and (2) $55,000,000 from the General Fund for FY1993-94 to the State Department of Education, for Program 25, to aid in carrying out the provisions of Legislative Bill 1272, Ninety-second Legislature, Second Session, 1992.

There is included in the appropriation to this program for FY1992-93 $40,000,000 General Funds which shall be added to other appropriations to the School District Income Tax Fund, which fund is hereby appropriated to provide state aid to public school districts pursuant to the Tax Equity and Educational Opportunities Support Act.

There is included in the appropriation to this program for FY1993-94 $55,000,000 General Funds which shall be added to other appropriations to the School District Income Tax Fund, which fund is hereby appropriated to provide state aid to public school districts pursuant to the Tax Equity and Educational Opportunities Support Act.

Sec. 6. There is hereby appropriated (1) $14,000,000 from the General Fund for FY1992-93 and (2) $14,000,000 from the General Fund for FY1993-94 to the Educational Excellence Fund, State Department of Education, for Program 25, to aid in carrying out the provisions of Legislative Bill 1272, Ninety-second Legislature, Second Session, 1992.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

Sec. 7. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

RESOLUTIONS

LEGISLATIVE RESOLUTION 409. Introduced by Wesely, 26.

PURPOSE: The purpose of this study is to examine the implementation of the consumer based reimbursement system proposed by the Department of Public Institutions and its effect on the community based mental health system.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 410. Introduced by Elmer, 38.

PURPOSE: The purpose of this resolution is to authorize a study and review regarding the necessity of legislation to address agricultural chemical containment and the protection of Nebraska's groundwater.

WHEREAS, the Legislature has before it LB 1114 and LB 1114A; and

WHEREAS, the Environmental Control Council, on March 6, 1992, passed Title 198 Regulations which provide for agricultural chemical containment in Nebraska; and

WHEREAS, the regulations as passed by the Environmental Control Council are extremely technical in nature; and

WHEREAS, the language in LB 1114 is extremely technical in nature and contains the language of the Title 198 Regulations, with the exception of certain limits of containment criteria; and

WHEREAS, the protection of Nebraska's groundwater is currently regulated by the Department of Environmental Control through the Title 198 Regulations; and

WHEREAS, the Legislature can determine the necessity of legislation through an interim study of Title 198 Regulations and the contents of LB 1114.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature conduct an interim study regarding the necessity of legislation to address agricultural chemical containment and the protection of Nebraska's groundwater due to the Title 198 Regulations being in place.
2. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
3. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 411. Introduced by Wesely, 26.

PURPOSE: The purpose of this resolution is to study the role and effect of controlled business in the Nebraska title insurance industry. The study shall also include an examination of the extent of controlled business in the Nebraska title insurance industry and its effect on title insurance industry competitiveness and possible changes in the Title Insurance Act.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 412. Introduced by Hillman, 48.

PURPOSE: The Legislature finds that probation constitutes an effective and efficient mode of criminal rehabilitation and in many instances a viable alternative to incarceration. Because of probation's preeminent role in Nebraska's efforts to protect the public and promote the development of criminal offenders into productive citizens, the quality and efficacy of probation services warrant the continued attention of the Legislature. Accordingly, this study will consider:

(1) The adequacy of probation officers' salaries;
(2) The feasibility of an addition to court costs to fund probation officers' salaries;
(3) Drug testing by probation officers and the expenditure of receipts from drug testing fees; and
(4) The assignment of jurisdictional responsibility for both probation and parole to a single organizational entity.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 413. Introduced by Chizek, 31; Schmit, 23; Wesely, 26.

PURPOSE: The purpose of this resolution is to examine the rules and practices of committee chairpersons, members, and witnesses who appear before legislative committees in light of the Legislature's purpose to refrain from unfairly restricting testimony of citizens of the State of Nebraska while at the same time taking the necessary steps to assure that testimony pertaining to any individual or group is truthful, not malicious, and pertinent to the bill or issue being addressed at the committee hearing. Specifically, the study shall consider:

(1) Whether a rule or procedure should be adopted that would allow a committee chairperson to order the hearing closed to all persons other than members of the Legislature, committee staff, and the witness and the record sealed if testimony alleges facts that an ordinary person would believe to be harmful to the affected person or group's reputation, character, or standing in the community, when such allegations have not yet been established by a court of competent jurisdiction;

(2) Whether a rule or procedure should be adopted that would allow a committee chairperson to order that the person cease giving testimony or alleging facts that an ordinary person would believe to be harmful to the affected person or group's reputation, character, or standing in the community or to refrain from any further such allegations;

(3) Whether a rule or procedure should be adopted that would allow a committee chairperson to take such action whether the name of the person or group against whom the allegations are directed is given or the facts by implication make the name of the person or group reasonably known;

(4) Whether a rule or procedure should be adopted that would allow a committee chairperson to permit public access to and reporting of such testimony that, but for the circumstances in which it was given, would otherwise reasonably constitute grounds for libel or slander; and

(5) Whether Rule 3(e)(ii) of the Legislature should be amended to allow chairpersons to require that a person giving testimony under the circumstances described in subdivision (1) be sworn before giving such testimony.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Rules Committee of the Legislature, with the advice of the chairpersons of the other committees of the Legislature, shall be

designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 414. Introduced by Pirsch, 10; Robak, 22; Wickersham, 49.

PURPOSE: With the passage of The Intermodal Surface Transportation Efficiency Act of 1991, Nebraska is required to submit to the Federal Highway Administration a master plan of our state's highways which will become a part of the National Highway System. These routes are required to provide an interconnected system of principal and arterial routes which will serve major population centers and serve interstate and interregional travel. Many states have increased their share of federal highway construction funds while reducing duplication and increasing efficiencies in their development of productive and effective transportation networks by the use of advance planning units which look at economic development, travel, tourism, and long term goals when developing road systems. Nebraska has no such planning unit. Therefore, the purpose of this study is to examine if such advance planning could result in reducing duplication and increasing efficiencies and economic development in Nebraska's road system as well as increasing federal funding.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Transportation Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 415. Introduced by Wickersham, 49; Beutler, 28.

PURPOSE: The purpose of this resolution is to study the following issues related to the judiciary:

1. The allocation of and need for judicial resources;
2. Efficiency in the administration and use of the courts;
3. The abolishment of the exclusive jurisdiction of the district court in uncontested dissolution of marriage cases; and
4. Advanced communication systems for judges, including the use of facsimile machines, computer networks, and teleconferencing.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 416. Introduced by Coordsen, 32.

PURPOSE: The purpose of this resolution is to study methods of maintaining and improving worker productivity in view of changing family structures and roles through innovations in the structure of the workplace and worker schedules.

The study shall include, but not be limited to, incentives and disincentives for employee retention, such as flexible benefit packages, employment options in providing emergency medical leave, flex time, and other employment options in scheduling of employee hours, and the costs associated with each of such options.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 417. Introduced by Robinson, 16.

WHEREAS, Chip Davis is the creator of Mannheim Steamroller and the founder of his own record company, American Gramaphone Records; and

WHEREAS, Mannheim Steamroller has released seven albums in their Fresh Aire series as well as two successful seasonal works; and

WHEREAS, Fresh Aire VII was recently awarded a Grammy for best new age album; and

WHEREAS, Chip Davis' Concert for Yellowstone album has raised more than four hundred thousand dollars for the rehabilitation of Yellowstone National Park after the devastating 1988 fire; and

WHEREAS, Chip Davis has received the Governor's Arts Award from the State of Nebraska; and

WHEREAS, Nebraskans have enjoyed and benefitted from the music and contributions of Chip Davis and should be proud of his achievements.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature recognizes and commends Chip Davis for his contributions to our state and congratulates Chip Davis and Mannheim Steamroller on their Grammy Award.
2. That a copy of this resolution be sent to Chip Davis.

Laid over.

STANDING COMMITTEE REPORT
General Affairs

The Committee on General Affairs desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

William M. Whitmer - State Electrical Board
Donald N. Dworak - Nebraska Liquor Control Commission
Sonia M. Breslow - Nebraska Arts Council
Al Davis - Nebraska Arts Council
Donna N. Williams - Nebraska Arts Council

Vote: Aye: Senators Schellpeper, Will, Cudaback, Hartnett, R. Johnson, Labedz, Rasmussen, and Rogers. Nay: none. Not voting: none. Absent: none.

(Signed) Stan Schellpeper, Chairperson

UNANIMOUS CONSENT - Add Cointroducer

Mrs. Hillman asked unanimous consent to have her name added as cointroducer to LR 350. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Coordsen asked unanimous consent to print the following amendment to LB 360 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM3670.)

Mr. Coordsen asked unanimous consent to print the following amendment to LB 360 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM3671.)

VISITORS

Visitors to the Chamber were five sixth through eighth grade Boys Scouts and sponsor from Troop 91, Elkhorn; Gerry Zaragoza from the Philippines, Ali Hassan from Pakistan, Noel Okoth from Kenya, Harun Gurek from Turkey, Mario Furlan from Italy, Malgorzata Bochenek from Poland, and Eric Shanks; seven members of the Swede Home Extension Club; 16 sixth grade students and teacher from Sandhill School, Halsey; group of 12 from Grand Island Newcomers; 15 eighth grade students and teacher from St. Rose Elementary, Crofton; 21 fourth grade students, teacher, and sponsor from North Bend; 20 third and fourth grade students and teacher from St. Leonard's School, Madison; nine third and fourth grade students and teacher from Douglas; ten eighth grade students and teacher from Harrison; and Senator Schrock's son, Tom Schrock, and Melany Jordan.

The Doctor of the Day was Nancy Tabor from Lincoln.

ADJOURNMENT

At 2:58 p.m., on a motion by Mr. Cudaback, the Legislature adjourned until 9:00 a.m., Tuesday, March 31, 1992.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-FIRST DAY - MARCH 31, 1992

LEGISLATIVE JOURNAL

FIFTY-FIRST DAY - MARCH 31, 1992

LEGISLATIVE JOURNAL

NINETY-SECOND LEGISLATURE
SECOND SESSION

FIFTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 31, 1992

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Moul presiding.

PRAYER

The prayer was offered by Pastor Frederick Felger, Central Park Congregational Church, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Ashford, Conway, Cudaback, Dierks, Haberman, Hall, Kristensen, Landis, Lindsay, Schmit, Will, Mmes. Hillman, Labedz, Pirsch, and Rasmussen who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fiftieth day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 872, 1057, 1178, 1178A, and 1241.

Enrollment and Review Change to LB 1241

The following changes, required to be reported for publication in the Journal, have been made:
ER7159

1. In the Peterson amendment, AM3692:

a. On page 4, line 20, "to" has been struck and "in" inserted; and

b. On page 6, line 3, "or" has been struck; and in line 5 ", or (d) facilities controlled by the Nebraska School for the Deaf or Nebraska School for the Visually Handicapped to be rented to state agencies or other parties by the school" has been inserted after "Roads".

2. In the E & R amendments, AM5276, on page 1, the matter beginning with "and" in line 4 through line 5 has been struck and "; and" inserted; in line 7 "28 and 29" has been struck and "29 and 30" inserted; and lines 10 through 15 have been struck.

3. On page 1, line 1, "39-1320," has been inserted after "sections".

4. On page 15, line 22, "the" has been inserted before "Director".

5. On page 36, line 10, "renovation" has been struck and "cost-effective renovation, as determined by the division," inserted.

(Signed) Eric Will, Chairperson

MESSAGES FROM THE GOVERNOR

March 27, 1992

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Motor Vehicle Industry Licensing Board, requiring legislative approval.

APPOINTEE: John A. Rickerts, Frontier Harley Davidson, 2801 N. 27th St., Lincoln, NE 68521, (402) 475-7066 h, (402) 466-9100 w.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:fc

March 27, 1992

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following reappointment to the Nebraska Foster Care Review Board, requiring legislative approval.

> APPOINTEE: Violet Fickel, 2006 S. 164th Av., Omaha, NE 68130, (402) 333-0957 h, (402) 341-8471 w.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:fc

March 27, 1992

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following reappointment to the Nebraska Foster Care Review Board, requiring legislative approval.

> APPOINTEE: Carol S. Holyoke, Rt. 1, Box 306, Scottsbluff, NE 69361, (308) 632-6660.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:fc

REPORT

Received from the City of Omaha the Greater Omaha Service Delivery Area (SDA) Job Training Partnership Act (JTPA) proposed plan for July 1, 1992 through June 30, 1994.

GENERAL FILE

LEGISLATIVE BILL 447A. Title read. Considered.

Mr. Bernard-Stevens renewed his pending amendment, AM3756, found in the Journal on page 1629.

The Bernard-Stevens amendment was adopted with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 7 present and not voting, and 15 excused and not voting.

LEGISLATIVE BILL 556A. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 1241A. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mrs. Nelson and Mr. Moore asked unanimous consent to print the following amendment to LB 1057 in the Journal. No objections. So ordered.

AM3779

(Amendments to Final Reading copy)

1. Insert the following new sections:

"Sec. 4. That section 84-1503, Revised Statutes Supplement, 1991, be amended to read as follows:

84-1503. (1) It shall be the duty of the Public Employees Retirement Board:

(a) To administer the retirement systems provided for in the County Employees Retirement Act, the School Employees Retirement Act, the State Employees Retirement Act, and sections 24-701 to 24-714 and 81-2014 to 81-2036;

(b) To hire a director to administer the systems under direction of the board. The director shall not be a member of the board. Salaries of the director and his or her employees shall be set by the board;

(c) To provide for an equitable allocation of expenses among the retirement systems administered by the board, and all expenses shall be provided from the investment income earned by the various retirement funds unless alternative sources of funds to pay expenses are specified by law; and

(d) To administer the deferred compensation program authorized in section 84-1504.

(2) In administering the retirement systems listed in subdivision (1)(a) of this section, it shall be the duty of the board:

(a) With respect to the retirement systems for which the board invests funds, to use the services of the state investment officer or to select, on the basis of the most sound proposal or proposals received, after written notice of such proposition to all domestic companies, one or more life insurance companies, banks, trust companies, or investment managers authorized to do business in Nebraska to underwrite, serve as trustee, or manage investments for the retirement system and to enter into a contract or contracts with such company or companies in the name of the retirement system, except that if a bank, trust company, or investment manager is chosen as the primary carrier or investment manager, the funds shall be invested or reinvested in such securities and investments of the nature which individuals of prudence, discretion, and intelligence acquire or retain in dealing with the property of another, and if the life insurance company, bank, trust company, or investment manager has special skills or is named on the basis of representations of special skills or expertise, it is under a duty to use such skills;

(b) With respect to the retirement systems for which the board invests funds, to change underwriters, trustees, or investment managers if, in the judgment of the board, such action would be desirable. The cancellation notice may be given by telephone and shall be confirmed in writing within five days by the board or a designated person appointed by the board;

(c) To determine the prior service annuity, if any, for each person who is an employee of the county on the date of adoption of the retirement system;

(d) To determine the eligibility of an individual to be a member of the retirement system and other questions of fact in the event of a dispute between an individual and the county board in his or her county;

(e) To adopt and promulgate rules and regulations for the management of the board;

(f) To keep a complete record of all proceedings taken at any meeting of the board; ~~and~~

(g) To employ such actuarial and other assistance as may be necessary in the performance of its duties. An actuary employed by the board shall be a member of the American Academy of Actuaries; and

(h) To direct the State Treasurer to transfer funds, as an expense of the retirement systems, to the Legislative Council Retirement Study Fund. Such transfer shall occur beginning on or after July 31, 1992, and at intervals of not less than ten years and not more than fifteen years and shall be in such amounts as the Legislature shall direct.

(3) The board and the Nebraska Investment Council shall jointly have an analysis made of the investment return that has been achieved on the assets of each retirement system administered by the board. Such analysis shall be prepared annually as of January 1. The analysis shall be prepared by an independent private organization which has demonstrated expertise to perform this type of analysis and which is unrelated to any organization offering investment advice or providing investment management services to the retirement system. The analysis may be waived jointly by the board and the council for any retirement system with assets of less than ten million dollars. A copy of the analysis shall be given to the board, the council, and the Nebraska Retirement Systems Committee.

Sec. 5. There is hereby created the Legislative Council Retirement Study Fund. The fund shall consist of money appropriated to it by the Legislature and transfers made pursuant to subdivision

(2)(h) of section 84-1503. Money in the fund shall only be used for a comprehensive study of the retirement systems listed in subdivision (1)(a) of section 84-1503. Any money remaining in the fund eighteen months after the date of transfer shall be transferred by the State Treasurer back to the retirement systems for credit to the various retirement funds. Any money in the Legislative Council Retirement Study Fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.

Sec. 7. That original section 84-1503, Revised Statutes Supplement, 1991, is repealed.".

2. On page 1, strike beginning with "Retirement" in line 1 through "Counties" in line 2 and insert "retirement systems"; in line 4 after "1943" insert ", and section 84-1503, Revised Statutes Supplement, 1991; to change provisions relating to the Retirement System for Nebraska Counties"; and in line 8 after the semi-colon insert "to create a fund; to provide for transfer of funds; to require a study;".

3. On page 5, line 14, strike "5" and insert "8".

4. Renumber the remaining sections accordingly.

Mr. Lamb asked unanimous consent to print the following amendment to LB 719 in the Journal. No objections. So ordered.

AM3690

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 79-402, Revised Statutes Supplement, 1991, be amended to read as follows:

79-402. (1) The county superintendent shall create a new school district from other districts, change the boundaries of any district, or affiliate a Class I district or portion thereof with one or more existing Class II, III, IV, or V districts upon receipt of petitions signed by sixty percent of the legal voters of each district affected, except that petitions shall contain signatures of at least sixty-five percent of the legal voters of each district affected if the proposed change has been disapproved by both the state and county committees for school district reorganization or, in the case of affiliation, if the petition has been disapproved by the county committee pursuant to sections 79-402.14 and 79-402.15. When area is added to a Class VI district or when a Class I district which is entirely or partially within a Class VI district is taken from the Class VI district, the Class VI district shall be deemed to be an affected district.

(2) Petitions proposing to change the boundaries of existing school districts through the transfer of a parcel of land, not to exceed six hundred forty acres, may be acted upon and so transferred by order of the county superintendent when the petitions involve the transfer of land between Class I, II, III, IV, or V school districts or when there would be an exchange of parcels of land between Class I, II, III, IV, or V school districts if the petitions have the approval of at least sixty-five percent of each school board or board of education. ~~Petitions proposing to change the boundaries of existing school districts through the transfer of a parcel of land, not to exceed six hundred forty acres, may be acted upon and so transferred by order of the county superintendent when the petitions involve the transfer of a parcel of land from a Class I or a Class II school district to a school district of a higher classification if the petition has the approval of sixty-five percent of the legal voters or the board of education of each affected school district as set forth in this section or section 79-402.03.~~

(3)(a) Petitions proposing to create a new school district, to change the boundary lines of existing school districts, to create an affiliated school system, or to affiliate a Class I district in part and to join such district in part with a Class VI district, any of which involves the transfer of more than six hundred forty acres, shall, when signed by at least sixty percent of the legal voters in each district affected, be submitted to the county committee for school district reorganization. In the case of a petition for affiliation or a petition to affiliate in part and in part to join a Class VI district, the county committee shall review the proposed affiliation subject to sections 79-402.14 and 79-402.15. The county committee shall, within forty days, review and approve or disapprove such proposal and submit it to the state committee for school district reorganization, except that an affiliation petition or a petition to affiliate in part and in part to join a Class VI district shall not be submitted to the state committee and the county committee's approval or disapproval shall be final.

(b) The state committee shall, within forty days, review and approve or disapprove the proposal and return it with any recommendations deemed advisable to the county committee. The county committee shall, within fifteen days of receipt of the returned proposal, consider the action of the state committee and determine whether to give final approval or disapproval to the proposal.

(c) The county committee shall, within fifteen days of receipt of the returned proposal or of the committee's final approval or disapproval of an affiliation petition or a petition to affiliate in part and in part to join a Class VI district, advertise and hold a public hearing at which the recommendations and action of the state and county committees are presented to the legal voters in attendance. The county committee shall hold the petitions for ten days following the hearing at the end of which time the committee shall file the petitions with the county superintendent.

(d) The county superintendent shall, within fifteen days, advertise and hold a hearing to determine the validity and sufficiency of the petitions. Upon determination, as a result of the hearing, that sufficient valid signatures are contained in the respective petitions, the county superintendent shall proceed to effect the changes in district boundary lines as set forth in the petitions.

(4) Any person adversely affected by the changes made by the county superintendent may appeal to the district court of any county in which the real estate or any part thereof involved in the dispute is located. If the real estate is located in more than one county, the court in which an appeal is first perfected shall obtain jurisdiction to the exclusion of any subsequent appeal.

(5) A signing petitioner shall be permitted to withdraw his or her name therefrom and a legal voter shall be permitted to add his or her name thereto at any time prior to the end of the ten-day period when the

county committee files such petitions with the county superintendent. Additions and withdrawals of signatures shall be by notarized affidavit filed with the county superintendent.

Sec. 2. That original section 79-402, Revised Statutes Supplement, 1991, is repealed.".

RESOLUTION

LEGISLATIVE RESOLUTION 418. Introduced by Horgan, 4.

WHEREAS, On December 12, 1917, Father Edward J. Flanagan first opened the doors of a modest house in Omaha, Nebraska, to give homeless boys, regardless of race or religion, a chance to escape despair from lives of neglect, abuse, indifference, and ignorance; and

WHEREAS, Boys Town was subsequently founded and has developed from these humble beginnings to be recognized as a respected national leader in the field of child care, welfare, and treatment of troubled boys and girls; and

WHEREAS, Father Flanagan's maxim that "There is no such thing as a bad boy. There is only bad environment, bad training, bad example and bad thinking." is still being carried on at Boys Town, Nebraska, and at Boys Town sites across the country; and

WHEREAS, Boys Town has grown from these simple beginnings to become a community directly serving more than thirteen thousand five hundred children each year and indirectly hundreds of thousands of youth annually throughout the State of Nebraska, the United States, and the world with services to youth through its Home Campus, National Training Center, Boys Town USA Program, the Boys Town National Research Hospital, its Family Based Programs, and the Boys Town National Hotline; and

WHEREAS, Boys Town today remains an oasis of love, caring, spiritual guidance, healing, education, and medical help for America's troubled boys and girls; and

WHEREAS, Boys Town will observe its seventy-fifth anniversary throughout 1992 and, specifically, on December 12, 1992.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Nebraska Legislature hereby recognizes Boys Town as a state and national treasure in helping to ensure a better life for youths.
2. That in recognition of Boys Town's founding in Nebraska, December 12, 1992, is hereby designated as "Boys Town Day in Nebraska".

3. That all residents of the state and nation are hereby encouraged to celebrate and support the tradition of Boys Town and the work continuing at Boys Town on this anniversary date.

4. That the Clerk of the Legislature shall transmit a copy of this resolution to Father Val Peter, Executive Director of Boys Town.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 529A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1006. E & R amendment, AM5266, found in the Journal on page 963, was adopted.

Mr. Abboud renewed the Landis pending amendment, AM3448, printed separately from the Journal and referred to on page 1313.

The Landis amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Mr. Wesely offered the following amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM3790.)

The Wesely amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1006A. Mr. Wesely offered the following amendment:
AM3797

1. Insert the following new section:

"Sec. 2. There is hereby appropriated (1) $63,858 from the Self-Insurance Cash Fund for FY1992-93 and (2) $53,618 from the Self-Insurance Cash Fund for FY1993-94 to the Nebraska Workers' Compensation Court, for Program 530, to aid in carrying out the provisions of Legislative Bill 1006, Ninety-second Legislature, Second Session, 1992.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $24,361 for FY1992-93 or $24,361 for FY1993-94.".

2. Renumber the remaining section accordingly.

The Wesely amendment was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Mrs. Rasmussen offered the following amendment:
AM3494

1. Insert the following new section:

"Sec. 2. There is hereby appropriated (1) $30,501 from the Department of Insurance Cash Fund for FY1992-93 and (2) $19,116 from the Department of Insurance Cash Fund for FY1993-94 to the Department of Insurance, for Program 555, to aid in carrying out the provisions of Legislative Bill 1006, Ninety-second Legislature, Second Session, 1992.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $13,165 for FY1992-93 or $13,487 for FY1993-94.".

2. Renumber the remaining section accordingly.

The Rasmussen amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL LB 369. E & R amendment, AM5240, found in the Journal on page 762, was adopted.

Messrs. Hartnett, R. Johnson, Ms. Schimek, and Mrs. Bohlke offered the following amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM3792.)

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hartnett requested a division of the question on the Hartnett et al. amendment.

The Chair sustained the division of the question.

The first Hartnett et al. amendment is as follows:
FA337

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. (1) A city of the metropolitan class shall provide written notice of any properly filed request for a change in the zoning classification of a subject property to the owners of adjacent property in the manner set out in this section.

(2) Initial notice of the proposed zoning change on the subject property shall be sent to the owners of adjacent property by regular United States mail, postage prepaid, to the owner's address as it appears in the records of the office of the county assessor postmarked at least ten days prior to the planning board public hearing on the proposed change. Such notice shall describe the subject property or give its address, describe the nature of the zoning change requested, and contain the date, time, and location of the planning board hearing.

(3) A second notice of the proposed zoning change on the subject property shall be sent to the same owners of adjacent property who were provided with notice under subsection (2) of this section. Such notice shall be sent by regular United States mail, postage prepaid, to the owner's address as it appears in the records of the office of the county assessor, postmarked at least ten days prior to the city council public hearing on the proposed change. Such notice shall describe the subject property or give its address, describe the nature of the zoning change requested, and contain the date, time, and location of the city council public hearing.

(4) No additional or further notice beyond that required by subsections (2) and (3) of this section shall be necessary in the event that the scheduled planning board or city council public hearing on the proposed zoning change is adjourned, continued, or postponed until a later date.

(5) The requirements of this section shall not apply to proposed changes in the text of the zoning code itself or any proposed changes in the zoning code

affecting whole classes or classifications of property throughout the jurisdiction of the city.

(6) No zoning decision made by a city of the metropolitan class either to accept or reject a proposed zoning change with regard to a subject property shall be void, invalidated, or affected in any way because of any irregularity, defect, error, or failure on the part of the city or its employees to cause notice to be given as required by this section.

(7) The city and its employees shall not be liable for any damage to any person resulting from any failure to cause notice to be given as required by this section.

(8) For purposes of this section:

(a) Adjacent property shall mean any piece of real property, any portion of which is located within three hundred feet of the nearest boundary line of the subject property;

(b) Owner shall mean the owner of a piece of adjacent property as shall appear on the records of the office of the county assessor as provided to or made available to the city no earlier than the last business day before the twenty-fifth day preceding the planning board public hearing on the zoning change proposed for the subject property; and

(c) Subject property shall mean any tract of real property located within the boundaries of a metropolitan class city or within the zoning jurisdiction of a metropolitan class city which is the subject of a properly filed request for a change of its zoning classification.

Mr. Hartnett moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Hartnett requested a roll call vote on the first Hartnett et al. amendment.

Voting in the affirmative, 24:

Ashford
Baack
Bohlke
Chizek
Conway
Cudaback
Elmer
Hartnett
Horgan
Johnson, R.
Lamb
Lindsay
Morrissey
Nelson
Pirsch
Rasmussen
Robak
Rogers
Schellpeper
Schimek
Schrock
Wehrbein
Wesely
Will

Voting in the negative, 4:

Abboud
Bernard-Stevens
Haberman
Robinson

Present and not voting, 15:

Beutler
Beyer
Byars
Chambers
Coordsen
Crosby
Hefner
Hillman
Johnson, L.
Lynch
Moore
Peterson
Warner
Wickersham
Withem

Excused and not voting, 6:

Dierks
Hall
Kristensen
Labedz
Landis
Schmit

The first Hartnett et al. amendment lost with 24 ayes, 4 nays, 15 present and not voting, and 6 excused and not voting.

Pending.

The Chair declared the call raised.

Mr. Beyer asked unanimous consent to be excused until he returns. No objections. So ordered.

ANNOUNCEMENT

The Chair announced yesterday was Senator Wesely's birthday.

SELECT FILE

LEGISLATIVE BILL 369. The second Hartnett et al. amendment is as follows:
FA338

1. Strike the original sections and all amendments thereto and insert the following new sections:

Sec. 2. That section 14-411, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

14-411. (1) The board of appeals shall fix a reasonable time for the hearing of the appeal or other matter referred to it and give due notice thereof to the parties and decide the same within a reasonable time. Upon the hearing, any party may appear in person, ~~or~~ by agent, or by attorney. The board of appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and shall make such order, requirement, decision, or determination as in its opinion ought to be made in the premises, and to that end the board of appeals shall have all the powers of the officer from whom the appeal is taken. ~~Where~~ When there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of such ordinance, the board of appeals shall have the power, in passing upon appeals, to vary or modify the application of any of the regulations or provisions of such ordinance relating to the size, area, bulk, location, ~~use,~~ construction, or alteration of buildings or structures ~~or the use of land,~~ so that the spirit of the ordinance ~~shall be~~ is observed, public safety and welfare secured, and substantial justice done.

(2) Notwithstanding the powers granted in sections 14-401 to 14-411 and 14-413 to 14-419 or in any home rule charter, the authority and jurisdiction of the board of appeals shall be limited as follows:

(a) The board of appeals shall not grant any variance or other relief as to any lands, buildings, or structures located within a flood plain as defined by the local government pursuant to section 31-1019. The city council shall have the authority to grant a variance or other relief as to such lands, buildings, or structures using the criteria set forth in subsection (1) of this section;

(b) The board of appeals may vary, waive, or modify only specific requirements of the zoning ordinance and shall not vary, waive, or modify limitations or conditions that are uniquely imposed upon a specific property; and

(c) The board of appeals shall not grant a variance or any other relief which would allow any use which is not otherwise authorized by the zoning ordinance for the specific property.

(3) The restrictions set out in subsection (2) of this section shall not apply to section 14-412.

Mr. Lynch offered the following amendment to the Hartnett et al. pending amendment.
FA339
Amend AM3792 to LB 369
On page 6, strike lines 3 and 4.

Mr. Lindsay asked unanimous consent to bracket LB 369 until April 16, 1992. No objections. So ordered.

LEGISLATIVE BILL 1061. E & R amendment, AM5265, printed separately from the Journal and referred to on page 930, was adopted.

Mr. Schellpeper renewed his pending amendment, AM3277, found in the Journal on page 1175.

Mr. Lamb requested a division of the question on the Schellpeper amendment.

The Chair sustained the division of the question.

The first Schellpeper amendment is as follows:
FA340

(Amendments to E & R amendments, AM5265)

1. Insert the following new section:

"Section 1. That section 2-1203.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-1203.01. The State Racing Commission shall:

(1) Enforce all state laws covering horseracing as required by sections 2-1201 to 2-1229 and enforce rules and regulations adopted and promulgated by the commission under the authority of section 2-1203;

(2) License racing industry participants, race officials, mutuel employees, concessionaires, and such other persons as deemed necessary by the commission if the license applicants meet eligibility standards established by the commission;

(3) Prescribe and enforce security provisions, including, but not limited to, the restricted access to areas within track enclosures and backstretch areas, and prohibitions against misconduct or corrupt practices;

(4) Determine or cause to be determined by chemical testing and analysis of body fluids whether or not any prohibited substance has been administered to the winning horse of each race and any other horse

selected by the board of stewards;

(5) Verify the certification of horses registered as being Nebraska-bred under section 2-1213; ~~and~~

(6) Collect and verify the amount of revenue received by the commission under section 2-1208; and

(7) Issue licenses to persons pursuant to subdivision (2) of this section and charge fees not to exceed those set forth in this subdivision.

(a) Admission Employee	$15.00
(b) Apprentice Jockey	50.00
(c) Assistant Starter	20.00
(d) Assistant Trainer	40.00
(e) Authorized Agent	15.00
(f) Concession Employee	15.00
(g) Concession Operator	
Minimum	25.00
Gross sales over $50,000 through $200,000 or less	50.00
Gross sales over $200,000	100.00
(h) Custodian (Jockey room)	30.00
(i) Duplicate License	10.00
(j) Exercise Rider	30.00
(k) Family Pass	10.00
(l) Groom (Hot walker)	15.00
(m) Horseman's Bookkeeper	30.00
(n) Jockey	50.00
(o) Jockey Agent (Per rider)	25.00
Limit two riders per agent	
(p) Mutuel Employee	20.00
(q) Official	30.00
(r) Owner	30.00
(s) Owner-Trainer	50.00
(t) Partnership	15.00
(u) Photo-Finish Operator	
25 race days or less	25.00
26 through 50 race days	50.00
More than 50 race days	100.00
(v) Plater (Horseshoer)	30.00
(w) Pony Person-Outrider	30.00
(x) Security Guard	15.00
(y) Stable Foreman	40.00
(z) Stable Name	50.00
(aa) Track Photographer	
25 race days or less	25.00

26 through 50 race days	50.00
More than 50 race days	100.00
(bb) Trainer	40.00
(cc) Valet	30.00
(dd) Veterinarian (Practicing)	
25 race days or less	25.00
26 through 50 race days	50.00
More than 50 racy days	100.00
(ee) Veterinary Assistant	20.00".

3. On page 7, strike line 2 and insert "used by the commission as provided in section 2-1209.".

4. On page 9, line 7, strike "This" and insert "The requirements of subdivision (2) of this".

5. On page 11, line 2, after "or" insert "to"; in line 6 strike the comma and insert "or"; in line 7 strike ", or other arrangement"; and in line 10 strike ", agreement, or arrangement" and insert "or agreement".

6. On page 12, line 2, after "sections" insert "2-1203.01,"; in line 8 strike "after '2-1205' " and insert "strike '2-1205' and"; and in line 9 after the first quotation marks insert "2-1203.01, 2-1205".

7. Renumber the remaining sections accordingly.

Mr. Hefner asked unanimous consent to be excused until he returns. No objections. So ordered.

The first Schellpeper amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

The second Schellpeper amendment is as follows:
FA341

(Amendments to E & R amendments, AM5265)

2. On page 5, lines 10 and 13, after "handle" insert "from live racing".

Mr. Rogers asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hartnett moved the previous question. The question is, "Shall the debate now close?" The motion lost with 13 ayes, 7 nays, and 29 not voting.

The second Schellpeper amendment was adopted with 26 ayes, 1 nay, 17 present and not voting, and 5 excused and not voting.

Mr. Will renewed the Hall pending amendment, AM3410, found in the Journal on page 1360.

Ms. Schimek and Mr. Morrissey asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 419. Introduced by Transportation Committee: Kristensen, 37, Chairperson; Beyer, 3; Byars, 30; Horgan, 4; Wickersham, 49.

PURPOSE: The 1988 Legislature, through the enactment of Legislative Bills 1041 and 632, established the Nebraska Highway Needs Study Process directing the Department of Roads to undertake a comprehensive study of the state highway system's total needs, a review of state highway standards, and planning and programming procedures. The Nebraska Highway Needs Study Process directed that the Department of Roads be responsible for developing a specific, long-range state highway system plan, and annually formulate plans to meet state highway system needs in all facets of the state and assign priorities for such needs. The Nebraska Highway Needs Study Process also directed the department, on or before December 1 of each year, to present such plans to the Legislature for referral to the appropriate standing committees of the Legislature for review.

Pursuant to the Nebraska Highway Needs Study Process, five annual needs study reports have been presented to the Transportation and Appropriations Committees of the Legislature. The purpose of this study is to undertake a review of the Nebraska Highway Needs Study Process, evaluate its effectiveness, and solicit public input regarding any modifications or improvements to be considered in the planning procedures utilized in the state highway system.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Transportation Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Mr. Lynch asked unanimous consent to print the following amendment to LB 1022 in the Journal. No objections. So ordered.

AM3789

1. On page 47, after line 13 insert:

"It is the intent of the Legislature that the Department of Public Institutions exercise a flexible reimbursement procedure to insure that the day rehabilitation and residential support services developed during FY1991-92 be continued.".

Messrs. Hefner, Lamb, and Schellpeper asked unanimous consent to print the following amendment to LB 719A in the Journal. No objections. So ordered.

AM3777

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 42, Legislative Bill 1063, Ninety-second Legislature, Second Session, 1992, be amended to read as follows:

Sec. 42. (1) Commencing April 1, 1992, there shall be imposed a fee of four dollars per ton upon the gross tonnage of all sales, use, or other consumption in this state of commercial fertilizers. ~~and soil conditioners.~~ The fee shall be paid by the purchaser of the commercial fertilizer. ~~or soil conditioner.~~ For purposes of this section, the definitions found in section 81-2,162.02 shall apply.

(2) The fee imposed by this section shall be collected by the seller and remitted to the Department of Revenue for credit to the General Fund and shall be due monthly, based on the gross tonnage of commercial fertilizers ~~and soil conditioners~~ sold during the preceding month. Payment of the fee shall be accompanied by a report setting forth the gross tonnage

of commercial fertilizers ~~and soil conditioners~~ sold by the seller during the preceding month. The report shall be on a form prescribed by the Department of Revenue and shall include such other information as the Tax Commissioner deems necessary. The provisions of the Nebraska Revenue Act of 1967 applicable to sales and use taxes shall apply to imposition of the fee.

(3) The Tax Commissioner shall adopt and promulgate rules and regulations to carry out this section.

Sec. 2. That original section 42, Legislative Bill 1063, Ninety-second Legislature, Second Session, 1992, is repealed.

Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

Mrs. Nelson asked unanimous consent to print the following amendment to LB 934 in the Journal. No objections. So ordered.

AM3819

1. On page 12, line 2, after the period insert "No Nebraska Retirement Fund for Judges fee which is uncollectible for any reason shall be waived by a county judge as provided in section 29-2709.".

Mrs. Nelson asked unanimous consent to print the following amendment to LB 1001 in the Journal. No objections. So ordered.

AM3780

(Amendments to AM3526)

1. Strike beginning with "Such" on page 3, line 16, through page 4, line 4.

Mr. Ashford asked unanimous consent to print the following amendment to LB 1238 in the Journal. No objections. So ordered.

AM3803

(Amendments to Standing Committee amendments, AM3207)

1. Insert the following new amendments:

"1. Insert the following new section:

'Section 1. That section 79-445, Revised Statutes Supplement, 1991, be amended to read as follows:

79-445. (1) The school board or board of education may admit nonresident pupils to the school district, ~~school,~~ may determine the rate of tuition of the pupils, and shall collect such tuition in advance. When the pupil as a ward of the state or as a ward of any court ~~(1)~~ (a) has been placed in a public school district other than the district in which he or she resided at the time he or she became a ward and such ward does not reside in a foster family home licensed or approved by the Department of Social Services or a foster home maintained or used by the Department of Correctional Services pursuant to section 83-108.04 or ~~(2)~~ (b) has been placed in any institution which maintains a special education program which has been approved by the State Department of Education and such institution is not owned or operated by the pupil's resident school district, the cost of his or her education and the required transportation costs associated with the child's education shall be paid by the state but not in advance to the receiving school district or approved institution or paid to the county nonresident high school tuition fund under rules and regulations prescribed by the Department of Social Services. Any pupil who is a ward of the state or a ward of any court who resides in a foster family home licensed or approved by the Department of Social Services or a foster home maintained or used by the Department of Correctional Services pursuant to section 83-108.04 shall be deemed a resident of the district in which the foster family home or foster home is located.

(2) In the case of any individual eighteen years of age or younger who is a ward of the state or any court and who is placed in a county detention home as established under section 43-2,110, the cost of his or her education shall be paid by the state, regardless of such individual's district of residency, to the agency or institution which~~: (1) Is~~ (a) is selected by the county board with jurisdiction over such detention home, (b) ~~; (2)~~ has agreed or contracted with such county board to provide educational services, and (c) ~~;~~ ~~and (3)~~ has been approved by the State Department of Education pursuant to rules and regulations prescribed by the State Board of Education.

(3) No tuition shall be charged for children who may be by law allowed to attend the school without charge. The public school district in which the parent

or guardian of any nonresident pupil maintains his or her legal residence shall not be liable for the payment of tuition fees and the children of school age of such parent or guardian shall be entitled to free common school privileges the same as any child who is a bona fide resident of such school district whenever the parent or guardian of such nonresident pupil, having entered the public service of the State of Nebraska, has removed from the school district in which he or she maintains legal residence into another school district for temporary purposes incidental to serving the state, without the intention of making the school district to which the parent or guardian has removed his or her legal residence. No tuition shall be charged for a child whose parents are divorced if such child attends school in a district in which either parent resides.

(4) The burden of proof as to legal residence shall rest with the person claiming legal residence in any district. The school district may allow a pupil whose residency in the district ceases during a school year to continue attending school for the remainder of that school year without payment of tuition.

(5) The school board or board of education may admit nonresident pupils to the ~~district~~ school district without requiring the payment of tuition if such pupils are in the actual physical custody of a resident of the school district and are not residents of an adjoining school district and the school board or board of education determines that the pupils would otherwise be denied guaranteed free common school privileges.'.

3. On page 5, line 8, strike 'section' and insert 'sections 79-445 and'; and in line 9 strike 'is' and insert 'are'.

4. Renumber the remaining sections accordingly.".

Mr. Kristensen asked unanimous consent to print the following amendment to LB 291 in the Journal. No objections. So ordered.

AM3829

(Amendments to E & R amendments, AM5258)

1. On page 8, lines 1, 4, and 24; page 9, line 3; page 10, lines 2 and 9; page 11, line 12; page 15, lines 20 and 24; page 16, line 21; page 17, line 1; page 18, lines 1, 5, and 9; and page 19, line 12, strike

"six" and reinstate the stricken "ten".

2. On page 10, line 5, reinstate the stricken "ten"; and in line 6 strike "six".

3. On page 11, lines 19 and 20; and page 19, lines 19 and 20, reinstate the stricken "ten-year" and strike "six-year".

Messrs. Warner and Withem asked unanimous consent to print the following amendment to LB 719A in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM3798.)

STANDING COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 1286. Placed on General File as amended.
Standing Committee amendment to LB 1286:
AM3806

1. Strike original sections 4 to 14.

2. On page 2, line 9, strike beginning with the first comma through "13" and insert "and 3".

3. On page 3, line 4, strike "No" and insert "In any county containing a city of the metropolitan class or primary class, no"; in line 8 strike "health care facility" and insert "hospital"; and in line 21 after the period insert "It is the intent of the Legislature to appropriate $75,000 to defray the expenses of the study.".

The Committee on Health and Human Services desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

State Board of Health
Dr. Steven Bennett
Barbara Christensen
Janel Foote
Dr. Richard Tempero
Dr. Arthur Weaver

Rural Health Advisory Commission
Kathy Jo Skogstad

Modular Housing Advisory Board
Gary Rickett
Roger Cross

VOTE: Aye: Senators Beyer, Cudaback, Dierks, Rasmussen, Schellpeper, and Wesely. Nay: none. Absent: Senator Byars.

(Signed) Don Wesely, Chairperson

UNANIMOUS CONSENT - Unbracket LB 573

Mr. Baack asked unanimous consent to unbracket LB 573 on E & R engrossment. No objections. So ordered.

VISITORS

Visitors to the Chamber were 13 students and teacher from University of Nebraska, Kearney; Mr. Anicet Habarurema, Mr. Marcellin Munyeshema, Ms. Melanie Mukakabanda, Mr. Faustin Musanganya, and Mr. Andred Musagara from Rwanda, Africa, Marianne Ayvaz, and Mr. Wallace Pinfold; 34 fourth grade students and teachers from Lincoln Christian Elementary, Lincoln; Jack Langford; 39 eighth grade students and sponsors from Centura Public School; 19 fourth grade students and teacher from McCool Junction; Dr. Jean-Marie Agarkow from Belgium, Mr. Peter Martin Smith, Mr. Dervish Besimler from Cyprus, Mr. Helge Sigurd Naess-Schmidt from Denmark, Dr. Annamaria Inzelt from Hungary, Mr. Jacek Olbrycht from Poland, and Dr. Graham Gudgin from the United Kingdom; Sally Smollen and Ruth Blankenship from Omaha; and a group from St. Edward.

RECESS

At 12:02 p.m., on a motion by Mr. Will, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:33 p.m., President Moul presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Bernard-Stevens, Chambers, Chizek, Elmer, Haberman, Hall, Horgan, Robinson, Schmit, Will, Mmes. Labedz, Pirsch, and Rasmussen who were excused until they arrive.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on Governor appointments.

Health and Human Services
Violet Fickel - Nebraska Foster Care Review Board
Carol S. Holyoke - Nebraska Foster Care Review Board

Transportation
John A. Rickerts - Nebraska Motor Vehicle Industry Licensing Board

(Signed) Jerome Warner, Chairperson
Legislative Council
Executive Board

UNANIMOUS CONSENT - Print in Journal

Mr. Withem asked unanimous consent to print the following amendment to LB 245 in the Journal. No objections. So ordered.

AM3815

(Amendments to Final Reading copy)

1. On page 5, strike beginning with "Two" in line 5 through "parent" in line 10 and insert "One representative from the Governor's office, two public school classroom teachers, two administrators or administrative staff members, two parents, one representative of postsecondary education,".

SELECT FILE

LEGISLATIVE BILL 72. Considered.

Mr. Conway renewed his pending amendment, AM3570, found in the Journal on page 1448.

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER BAACK PRESIDING

The Conway amendment lost with 10 ayes, 20 nays, 11 present and not voting, and 8 excused and not voting.

Mr. Beutler offered the following amendment:
FA342

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 81-1578, Revised Statutes Supplement, 1991, be amended to read as follows:

81-1578. Sections 81-1578 to 81-15,116 and section 2 of this act shall be known and may be cited as the Low-Level Radioactive Waste Disposal Act.

Sec. 2. Notwithstanding any other provision of the Low-Level Radioactive Waste Disposal Act, a license shall not be issued for a facility in this state unless and until all compact states have ratified the Central Interstate Low-Level Radioactive Waste Compact, as amended by Laws 1991, LB 837, and proof of such ratification has been presented to the department.

Sec. 3. That original section 81-1578, Revised Statutes Supplement, 1991, is repealed.".

Mr. Dierks offered the following amendment to the Beutler pending amendment:
FA343

Amend FA342 as follows:
Lines 1 & 2, strike:
"Strike the original sections and all amendments thereto and"

Mr. Dierks moved the previous question. The question is, "Shall the debate now close?"

Mr. Dierks moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

The motion to cease debate prevailed with 25 ayes, 6 nays, and 18 not voting.

Mr. R. Johnson requested a roll call vote on the Dierks amendment.

Voting in the affirmative, 21:

Abboud
Ashford
Bohlke
Chambers
Chizek
Coordsen
Cudaback
Dierks
Hartnett
Horgan
Landis
Lindsay
Morrissey
Pirsch
Robak

Rogers
Schellpeper
Schimek
Schrock
Wesely
Wickersham

Voting in the negative, 22:

Baack
Bernard-Stevens
Beutler
Beyer
Byars
Conway
Crosby
Elmer
Haberman
Hefner
Hillman
Johnson, L.
Johnson, R.
Kristensen
Lamb
Lynch
Moore
Nelson
Peterson
Robinson
Warner
Wehrbein

Present and not voting, 2:

Labedz
Withem

Excused and not voting, 4:

Hall
Rasmussen
Schmit
Will

The Dierks amendment lost with 21 ayes, 22 nays, 2 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Dierks moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mr. Beutler moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Mr. Beutler requested a roll call vote on his amendment.

Voting in the affirmative, 24:

Baack
Bernard-Stevens
Beutler
Beyer
Byars
Conway
Crosby
Elmer
Haberman
Hefner
Hillman
Horgan
Johnson, L.
Johnson, R.
Kristensen
Lindsay
Moore
Nelson
Peterson
Pirsch
Robinson
Warner
Wehrbein
Withem

Voting in the negative, 20:

Abboud
Ashford
Bohlke
Chambers
Chizek
Coordsen
Cudaback
Hartnett
Labedz
Lamb

Landis
Morrissey
Rasmussen
Robak
Rogers
Schellpeper
Schimek
Schrock
Wesely
Wickersham

Present and not voting, 2:

Dierks
Lynch

Excused and not voting, 3:

Hall
Schmit
Will

The Beutler amendment lost with 24 ayes, 20 nays, 2 present and not voting, and 3 excused and not voting.

Mr. Moore moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 34 ayes, 1 nay, and 14 not voting.

Mr. R. Johnson requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 24:

Abboud
Ashford
Bohlke
Chambers
Chizek
Coordsen
Cudaback
Dierks
Haberman
Hartnett
Horgan
Labedz
Landis
Morrissey
Nelson
Rasmussen
Robak
Rogers
Schellpeper
Schimek
Schrock
Wesely
Wickersham
Withem

Voting in the negative, 19:

Baack
Bernard-Stevens
Beutler
Beyer
Byars
Conway
Crosby
Elmer
Hefner
Hillman
Johnson, L.
Johnson, R.
Kristensen
Lamb
Moore
Peterson
Robinson
Warner
Wehrbein

Present and not voting, 3:

Lindsay
Lynch
Pirsch

Excused and not voting, 3:

Hall
Schmit
Will

Failed to advance to E & R for engrossment with 24 ayes, 19 nays, 3 present and not voting, and 3 excused and not voting.

Having failed to advance for the second time, LB 72 stands indefinitely postponed.

The Chair declared the call raised.

Messrs. Haberman, Chizek, and Withem asked unanimous consent to be excused until they return. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Moore asked unanimous consent to print the following amendment to LB 503 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM3835.)

Mr. Wickersham asked unanimous consent to print the following amendment to LB 1237 in the Journal. No objections. So ordered.

AM3833

1. Strike original sections 1 to 5 and insert the following new sections:

"Section 1. That section 24-301.02, Revised Statutes Supplement, 1991, be amended to read as follows:

24-301.02. ~~(1)~~ Until ~~January 1, 1993~~ August 1, 1994, the State of Nebraska ~~is hereby~~ shall be divided into the following twenty-one district court judicial districts: ~~as follows:~~

District No. 1 shall ~~consist of~~ contain the counties of Johnson, Pawnee, Nemaha, and Richardson;

District No. 2 shall ~~consist of~~ contain the counties of Sarpy, Cass, and Otoe;

District No. 3 shall ~~consist of~~ contain the county of Lancaster;

District No. 4 shall ~~consist of~~ contain the county of Douglas;

District No. 5 shall ~~consist of~~ contain the counties of Hamilton, Polk, York, Butler, Seward, and Saunders;

District No. 6 shall ~~consist of~~ contain the counties of Burt, Thurston, Dodge, and Washington;

District No. 7 shall ~~consist of~~ contain the counties of Fillmore, Saline, Thayer, and Nuckolls;

District No. 8 shall ~~consist of~~ contain the counties of Dakota, Dixon, and Cedar;

District No. 9 shall ~~consist of~~ contain the counties of Knox, Antelope, Cuming, Pierce, Madison, Stanton, and Wayne;

District No. 10 shall ~~consist of~~ contain the counties of Adams, Clay, Phelps, Kearney, Harlan, Franklin, and Webster;

District No. 11 shall ~~consist of~~ contain the counties of Hall and Howard;

District No. 12 shall ~~consist of~~ contain the counties of Sherman and Buffalo;

District No. 13 shall ~~consist of~~ contain the counties of McPherson, Logan, Lincoln, Dawson, Keith, Arthur, Hooker, and Thomas;

District No. 14 shall ~~consist of~~ contain the counties of Chase, Hayes, Frontier, Furnas, Red Willow, Hitchcock, Perkins, Gosper, and Dundy;

District No. 15 shall ~~consist of~~ contain the counties of Brown, Keya Paha, Boyd, Rock, Holt, and Cherry;

District No. 16 shall ~~consist of~~ contain the counties of Sheridan, Grant, Dawes, Box Butte, Morrill, and Sioux;

District No. 17 shall ~~consist of~~ contain the county of Scotts Bluff;

District No. 18 shall ~~consist of~~ contain the counties of Jefferson and Gage;

District No. 19 shall ~~consist of~~ contain the counties of Banner, Kimball, Cheyenne, Garden, and Deuel;

District No. 20 shall ~~consist of~~ contain the counties of Blaine, Loup, Garfield, Greeley, Wheeler, Valley, and Custer; and

District No. 21 shall ~~consist of~~ contain the counties of Boone, Platte, Colfax, Nance, and Merrick.

In the fourth district there shall be fourteen judges of the district court, in the third district there shall be six judges of the district court, in the second district there shall be three judges of the district court, in the fifth, sixth, ninth, tenth, eleventh, thirteenth, sixteenth, seventeenth, and twenty-first districts there shall be two judges of the district court in each of such districts, and in all other districts there shall be one judge of the district court.

~~(2) Effective January 1, 1993, the State of Nebraska is hereby divided into two district court judicial districts as follows:~~

~~District No. 1 shall consist of the counties of Johnson, Pawnee, Nemaha, and Richardson; and~~

~~District No. 2 shall consist of all other counties.~~

Sec. 2. That section 24-803, Revised Statutes Supplement, 1991, be amended to read as follows:

24-803. (1) As the term of a member of a judicial nominating commission initially appointed or selected expires, the term of office of each successor member shall be for a period of four years. The Governor shall appoint all successor members of each nominating commission who are Judges of the Supreme Court and citizen members. The lawyers residing in the judicial district or area of the state served by a judicial nominating commission shall select all successor and alternate members of such commission in the manner prescribed in section 24-806. The term of office of an alternate member of a commission shall be for a period of two years. No member of any nominating commission, including the Supreme Court member of any such commission, shall serve more than a total of eight consecutive years as a member of the commission, and if such member has served for more than six years as a member of the commission, he or she shall not be eligible for reelection or reappointment.

(2) For purposes of this section and Article V, section 21, of the Constitution of Nebraska, a member of a judicial nominating commission shall be deemed to have served on such commission if he or she was a member of the commission at the time of the publication of the notice required by subsection ~~(2)~~ (5) of section 24-810.

Sec. 3. That section 24-810, Revised Statutes Supplement, 1991, be amended to read as follows:

24-810. (1) In the event of the death, retirement, resignation, or removal of any district or county judge, the failure of a district or county judge to be retained in office, a need for a change in boundaries or numbers of district or county court judicial districts, or an increase in the number of district or county judgeships authorized by law, the Judicial Resources Commission, after holding a public hearing in the affected district or districts, shall determine:

(a) Whether a judicial vacancy exists and the location of that vacancy;

(b) Whether the judicial district boundaries or the number of districts should be changed for county or district courts;

(c) Whether the number of district or county judges should be increased, decreased, or remain the same; or

(d) Any combination of subdivisions (a), (b), or (c) of this subsection.

The commission's determination shall be based upon the analysis of caseloads weighted by category, adequate access to the courts by litigants, population, other judicial duties, travel time, and other factors determined by the commission to be necessary to assure efficiency and service. After making a determination the commission shall make a recommendation to the Legislature. If no changes in existing law are recommended by the commission, no legislative action shall be necessary to fill any vacancy resulting from the death, retirement, resignation, or removal of a judge.

(2) For each judicial vacancy, the commission shall investigate the need to designate a principal office and preferred place of residence for each district or county judge. The commission shall recommend the location of judges so as to provide maximum service to all areas of the judicial district. If the commission determines that a principal office and preferred place of residence should be designated, it shall make a recommendation to the Supreme Court. The Supreme Court shall thereafter designate a principal office and preferred place of residence. Such designation may include more than one site within the district.

(3) The Judicial Resources Commission shall adopt and promulgate rules and regulations on the procedures to be followed in making the determinations pursuant to subsection (1) of this section. The State Court Administrator shall provide adequate administrative support and information as is requested by the commission.

(4) For purposes of subsection (5) of this

section, the date of a final determination shall be (a) the date the Governor approves legislation or the Legislature overrides a veto of legislation creating or moving a judicial vacancy, (b) ten days after the date of adjournment sine die by the Legislature in cases of a recommendation on which action is required but no action is taken by the Legislature in its regular legislative session commenced following the recommendation, (c) the date of a designation of a principal office location by the Supreme Court, or (d) the date of the determination by the commission that there be no change.

(5) When a final determination of the location of a district or county court judicial vacancy has been made or in the event of a judicial vacancy in any other court, the Clerk of the Supreme Court shall contact the chairperson of the judicial nominating commission relating to such vacancy and shall ascertain from him or her a time and place for the first meeting of such judicial nominating commission, at which time a public hearing will be held. He or she shall thereupon notify each commission member in writing of the time and place of the meeting and shall also cause appropriate notice to be published by various news media of the time and place of the public hearing of the judicial nominating commission and of the interest of the commission in receiving information relating to qualified candidates for the judicial vacancy. Any lawyer meeting the statutory requirements to serve as a judge who is interested in being nominated and appointed to such judgeship shall signify his or her interest by filing the appropriate application with the proper entity at least twenty-one days prior to the public hearing. At least ten days prior to the public hearing, the chairperson shall release to the public the names of all lawyers who have applied for such judgeship. Any member of the public shall be entitled to attend the public hearing to express, either orally or in writing, his or her views concerning candidates for the judicial vacancy.

~~(2)~~ (6) After the public hearing, the judicial nominating commission shall hold such additional private or confidential meetings as it determines to be necessary. Additional information may be submitted in writing to the commission at any time prior to its selection of qualified candidates to fill the vacancy.

The commission shall make such independent investigation and inquiry as it considers necessary or expedient to determine the qualifications of candidates for the judicial vacancy and shall take such action as it deems necessary or expedient to encourage qualified candidates to accept judicial office or nomination for judicial office.

~~(3)~~ (7) The judicial nominating commission may, before or after the hearing provided for in subsection ~~(1)~~ (5) of this section, institute a search for additional candidates. If additional candidates are obtained, the commission shall hold further public hearings in the same manner as provided in such subsection.

~~(4)~~ (8) The names of candidates shall be submitted to the Governor within ninety days after the date a final determination has been made pursuant to subsection (4) of this section of the location of a district or county court judicial vacancy or, in the event of a judicial vacancy in any other court, after a judicial vacancy occurred if one public hearing is held and within one hundred twenty days if more than one public hearing is held.

~~(5)~~ (9) The first public hearing provided for in this section shall be held within sixty days after final determination of the vacancy occurs.

Sec. 4. There is hereby created the Judicial Resources Commission consisting of: (1) Three judges, including one district court judge, one county court judge, and one Justice or Judge of the Supreme Court, all of whom shall be appointed by the Supreme Court; (2) one member of the Nebraska State Bar Association from each of the six judicial districts prescribed in Article V, section 5, of the Constitution of Nebraska who shall have practiced law in this state for at least ten years and who shall be appointed by the Executive Council of the Nebraska State Bar Association; and (3) one citizen from each of the six judicial districts prescribed in Article V, section 5, of the Constitution of Nebraska appointed by the Governor, none of whom shall be (a) a Justice or Judge of the Supreme Court or a judge of any court, active or retired, (b) a member of the Nebraska State Bar Association, or (c) an immediate family member of any person listed in subdivisions (a) and (b) of this subdivision. The Judge of the Supreme Court serving on the commission shall also serve as chairperson of the commission.

Sec. 5. The term of office of each member of the Judicial Resources Commission shall be six years. In the event of a vacancy, the vacancy shall be filled by appointment in the same manner as the original members are appointed, and the individual so appointed shall serve for the balance of the original term. Any member of the commission shall be eligible for reappointment for an additional term without regard to the number of years that such individual has served as a member of the commission.

Sec. 6. Members of the Judicial Resources Commission shall be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1177.".

2. On page 11, line 2, after "24-301.02" insert ", 24-803,".

SELECT FILE

LEGISLATIVE BILL 1061. The Hall pending amendment, AM3410, found in the Journal on page 1360 and considered on page 1739, was renewed.

Mr. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

MR. MORRISSEY PRESIDING

Mr. Chambers moved to bracket LB 1061 until April 10, 1992.

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Pirsch asked unanimous consent to be excused. No objections. So ordered.

Mrs. Labedz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mr. Chambers withdrew his motion to bracket.

PRESIDENT MOUL PRESIDING

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Will moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. Chambers requested a roll call vote on the Hall amendment.

Voting in the affirmative, 28:

Ashford
Baack
Beyer
Bohlke
Byars
Conway
Crosby
Cudaback
Elmer
Hartnett
Hefner
Horgan
Johnson, L.
Johnson, R.
Kristensen
Labedz
Landis
Lindsay
Nelson
Rasmussen
Robinson
Schellpeper
Schrock
Warner
Wehrbein
Wickersham
Will
Withem

Voting in the negative, 6:

Abboud
Chambers
Hillman
Lamb
Moore
Wesely

Present and not voting, 8:

Bernard-Stevens
Beutler
Coordsen
Morrissey
Peterson
Robak
Rogers
Schimek

Excused and not voting, 7:

Chizek
Dierks
Haberman
Hall
Lynch
Pirsch
Schmit

The Hall amendment was adopted with 28 ayes, 6 nays, 8 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Rogers asked unanimous consent to print the following amendment to LB 366 in the Journal. No objections. So ordered.

(Amendment on file in the Clerk's Office - Room 2018 - AM3837.)

Mr. Rogers asked unanimous consent to print the following amendment to LB 366 in the Journal. No objections. So ordered.

(Amendment on file in the Clerk's Office - Room 2018 - AM3838.)

Mr. Rogers asked unanimous consent to print the following amendment to LB 366 in the Journal. No objections. So ordered.

(Amendment on file in the Clerk's Office - Room 2018 - AM3836.)

Mr. Elmer asked unanimous consent to print the following amendment to LB 1114 in the Journal. No objections. So ordered.

FA344

Amend AM2979

On page 10 line 2, strike the word "One" and insert the word "five"

Mr. Elmer asked unanimous consent to print the following amendment to LB 1114 in the Journal. No objections. So ordered.

FA345

Amend AM2979

On page 6, line 22, strike the word "Five" and insert the word "Three".

On page 6, line 24, strike the words "Two thousand" and insert the words "Five hundred"

On page 7, line 4, insert a period after the word "Source" and strike the remainder of the subsection.

Strike Sec. 26, subsection (c)

Mr. Elmer asked unanimous consent to print the following amendment to LB 1114 in the Journal. No objections. So ordered.

FA346

Amend AM2979

Strike Sec 29, subsection (4)

Mr. Elmer asked unanimous consent to print the following amendment to LB 1114 in the Journal. No objections. So ordered.

FA347

Amend AM2979

On page 12, line 22, strike the period and insert "; or (f) A design which is considered acceptable if a professional engineer registered in

Nebraska certifies that such design provides protection to waters of the state equal to or greater than that provided by the act."

Mr. Moore asked unanimous consent to print the following amendment to LB 1022 in the Journal. No objections. So ordered.

AM3794

(Amendments to AM3749)

1. On page 3, line 12, after "has" insert "prepared and"; and strike beginning with "information" in line 12 through "project" in line 13 and insert "a comprehensive capital facilities plan as required by section 81-1114.01".

Mr. Ashford asked unanimous consent to print the following amendment to LB 1092 in the Journal. No objections. So ordered.

AM3842

(Amendments to AM3261)

1. Insert the following new section:

"Sec. 23. There is hereby appropriated $50,000 from the General Fund for FY1992-93 to the Nebraska State Patrol to aid in carrying out the provisions of section 22, Legislative Bill 1092, Ninety-second Legislature, Second Session, 1992.".

2. On page 1, line 1, strike "section" and insert "sections"; in line 4 strike "local"; in line 5 strike "and" and after "districts" insert ", and nonprofit organizations"; and strike beginning with "Cities" in line 14 through "districts" in line 15 and insert "A person".

3. On page 2, line 2, strike "local"; and strike beginning with "Overall" in line 4 through "involvement" in line 5 and insert "The overall involvement of the applicant".

Messrs. Warner and Withem asked unanimous consent to print the following amendment to LB 719A in the Journal. No objections. So ordered.

AM3834

1. Insert the following new section:

"Sec. 212. (1) The Tax Commissioner in determining the taxable value of railroads and car lines shall determine the following ratios involving railroad and car line property and commercial and industrial property:

(a) The ratio of the taxable value of all commercial and industrial personal property in the state actually subjected to property tax divided by the market value of all commercial and industrial personal property in the state;

(b) The ratio of the taxable value of all commercial and industrial real property in the state actually subjected to property tax divided by the market value of all commercial and industrial real property in the state;

(c) The ratio of the taxable value of railroad personal property to the market value of railroad personal property. The numerator of the ratio shall be the taxable value of railroad personal property. The denominator of the ratio shall be the railroad system value allocated to Nebraska and multiplied by a factor representing the net book value of rail transportation personal property divided by the net book value of total rail transportation property;

(d) The ratio of the taxable value of railroad real property to the market value of railroad real property. The numerator of the ratio shall be the taxable value of railroad real property. The denominator of the ratio shall be the railroad system value allocated to Nebraska and multiplied by a factor representing the net book value of rail transportation real property divided by the net book value of total rail transportation property; and

(e) Similar calculations shall be made for car line taxable properties.

(2) If the ratio of the taxable value of railroad and car line personal or real property exceeds the ratio of the comparable taxable commercial and industrial property by more than five percent, the Tax Commissioner may adjust the value of such railroad and car line property to the percentage of the comparable taxable commercial and industrial property pursuant to federal statute or Nebraska federal court decisions applicable thereto.

(3) For purposes of this section, commercial and industrial property shall mean all real and personal property which is devoted to commercial or industrial use other than rail transportation property and land

used primarily for agricultural purposes.

Sec. 213. The Revisor of Statutes shall assign section 212 of this act to Chapter 77, article 6.".

2. In AM3798, on page 269, line 16, strike "213" and insert "215"; and in line 18 strike "214" and insert "216".

3. Renumber the remaining sections accordingly.

STANDING COMMITTEE REPORT
Agriculture

The Committee on Agriculture desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Dale L. Eirich - Nebraska Dry Bean Commission

VOTE: Aye: Senators Rogers, Chambers, Coordsen, Cudaback, Elmer, Hefner, Morrissey, and Schellpeper. Nay: None. Absent: None.

(Signed) Carson Rogers, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1257. Placed on Select File as amended.
(E & R amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM5281.)

LEGISLATIVE BILL 1257A. Placed on Select File as amended.
E & R amendment to LB 1257A:
AM5284

1. On page 2, lines 5 and 17, strike "Control" and insert "Quality".

LEGISLATIVE BILL 1099. Placed on Select File as amended.
E & R amendment to LB 1099:
AM5282

1. On page 2, line 13, after "use" insert "the"; in line 14 strike "placement of" and insert "may place"; and in line 19 strike "operator's" and insert "operators' ".

LEGISLATIVE BILL 1099A. Placed on Select File.

(Signed) Eric Will, Chairperson

SELECT FILE

LEGISLATIVE BILL 1061. Mr. Lamb offered the following amendment:
AM3822

(Amendments to E & R Amendments, AM5265)

1. On page 5, lines 21 through 24, strike the new matter and reinstate the stricken matter.

2. On page 6, lines 1 through 5, reinstate the stricken matter; in line 5 after the reinstated "distribution" insert ";

(b) Ten percent of the fund shall be distributed monthly to"; and in line 7 strike "(b)", show as stricken, and insert "(c)".

Mr. Lamb withdrew his pending amendment.

Mrs. Robak offered the following amendment:
AM3437

(Amendments to E & R amendments, AM5265)

1. Insert the following new section:

"Section 1. That section 2-1201, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-1201. There shall be and hereby is created a State Racing Commission consisting of ~~three~~ five members. The two new members shall be appointed for terms beginning in 1992. One of the new members shall be appointed for a term of two years and one for a term of three years. All members ~~who~~ shall be appointed and may be ~~for cause~~ removed for cause by the Governor. ~~One member shall be appointed each year for a term of three years~~ Except for the initial appointment of one new member, all members shall serve three-year terms. The members shall serve until their successors are appointed and qualified. ~~Not~~ No more than ~~two~~ three members of ~~said~~ the commission shall belong to the same political party; no more than two ~~of them~~ members shall reside, when appointed, in the same congressional district; and no more than one member ~~two of said members~~ shall reside in any one county. Any vacancy shall be filled by appointment by the Governor for the unexpired term. The members shall serve without compensation~~,~~ but shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties as provided in sections 81-1174 to 81-1177. ~~for state employees.~~ The members of the commission shall be bonded under the blanket surety bond required by section 11-201.".

2. On page 12, line 2, after "sections" insert "2-1201,"; in line 8 after the first comma insert "line 1, after 'sections' insert '2-1201,';" and strike the second comma; and in line 15 after the semicolon insert "to change the time for filing a written charge of violation;".

3. Renumber the remaining sections accordingly.

Messrs. L. Johnson, Morrissey, and Landis asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Lindsay moved the previous question. The question is, "Shall the debate now close?"

Mrs. Robak moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

The motion to cease debate prevailed with 25 ayes, 0 nays, and 24 not voting.

Mrs. Robak requested a roll call vote on her amendment.

Voting in the affirmative, 12:

Abboud
Chambers
Conway
Crosby
Dierks
Hartnett
Lamb
Peterson
Robak
Rogers
Warner
Withem

Voting in the negative, 21:

Ashford
Baack
Bernard-Stevens
Beyer
Bohlke
Byars
Coordsen
Cudaback
Elmer
Hefner
Hillman
Johnson, R.
Kristensen
Labedz
Lindsay
Moore
Nelson
Schellpeper
Schimek
Wehrbein
Will

Present and not voting, 8:

Beutler
Horgan
Lynch
Rasmussen
Robinson
Schrock
Wesely
Wickersham

Excused and not voting, 8:

Chizek
Haberman
Hall
Johnson, L.
Landis
Morrissey
Pirsch
Schmit

The Robak amendment lost with 12 ayes, 21 nays, 8 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Mr. Abboud offered the following amendment:
AM3518

(Amendments to E & R amendments, AM5265)

1. Insert the following new section:

"Sec. 6. That section 9-629, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

9-629. (1) ~~Except as provided in section 9-629.02, the~~ The gross proceeds of any lottery conducted by a county, city, or village shall be used solely for community betterment purposes, awarding of prizes, taxes, and expenses.

(2) Not less than sixty-five percent of the gross proceeds shall be used for the awarding of prizes, except that for purposes of conducting a lottery authorized by subdivision (1)(c)(ii) of section 9-607, not less than sixty-five percent of the gross proceeds during an annual period from July 1 to June 30 of each year shall be used for the awarding of prizes.

(3) Not more than fourteen percent of the gross proceeds shall be used to pay the expenses of operating the lottery, except that license fees paid to the department and audit or legal expenses incurred by the county, city, or village which relate directly to the conduct of operating such lottery shall not be included in determining the fourteen-percent limitation on expenses.".

2. On page 12, line 3, after the fourth comma insert "9-629,"; and in line 4 after the second comma insert "and also section 9-629.02, Reissue Revised Statutes of Nebraska, 1943,".

Mr. Moore offered the following amendment to the Abboud pending amendment:
AM3871

(Amendments to AM3518)

1. Insert the following new section:

"Sec. 6. That section 9-429, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

9-429. Any licensed organization or any other organization or person conducting a lottery or raffle activity required to be licensed pursuant to the Nebraska Lottery and Raffle Act shall pay to the department a tax of ~~two~~ four percent of the gross proceeds of each lottery having gross proceeds of more than one thousand dollars or raffle having gross proceeds of more than five thousand dollars. Such tax shall be remitted quarterly, within thirty days of the end of the quarter, on forms approved and provided by the department and shall be credited to the Charitable Gaming Operations Fund of the state. All deficiencies of the tax imposed by this section shall accrue interest and be subject to a penalty as provided for sales and use taxes in the Nebraska Revenue Act of 1967.".

2. On page 1, line 1, strike "section" and insert "sections"; and in line 2 strike "6" and insert "7".

3. On page 2, line 6, before "9-629" insert "9-429,".

4. Renumber the remaining sections accordingly.

MR. CONWAY PRESIDING

Mrs. Robak moved the previous question. The question is, "Shall the debate now close?"

Mrs. Robak moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

The motion to cease debate prevailed with 25 ayes, 2 nays, and 22 not voting.

PRESIDENT MOUL PRESIDING

Mr. Moore requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Baack
Bernard-Stevens
Beutler
Conway
Crosby
Elmer
Hefner
Kristensen
Lamb
Lindsay
Moore
Nelson
Peterson
Rogers
Schimek
Schmit
Schrock
Warner
Wehrbein
Wesely

Voting in the negative, 17:

Abboud
Bohlke
Byars
Chambers
Coordsen
Cudaback
Hartnett
Hillman
Horgan
Johnson, R.
Labedz
Lynch
Robak
Schellpeper
Wickersham
Will
Withem

Present and not voting, 5:

Ashford
Beyer
Dierks
Rasmussen
Robinson

Excused and not voting, 7:

Chizek
Haberman
Hall
Johnson, L.
Landis
Morrissey
Pirsch

The Moore amendment lost with 20 ayes, 17 nays, 5 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Abboud moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mr. Abboud requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Abboud
Ashford
Beutler
Chambers
Coordsen
Cudaback
Dierks
Hillman
Kristensen
Lamb
Lynch
Morrissey
Peterson
Rasmussen
Robak

Rogers
Schimek
Warner
Wesely
Withem

Voting in the negative, 19:

Baack
Beyer
Bohlke
Conway
Crosby
Elmer
Hefner
Horgan
Johnson, R.
Labedz
Lindsay
Moore
Nelson
Schellpeper
Schmit
Schrock
Wehrbein
Wickersham
Will

Present and not voting, 4:

Bernard-Stevens
Byars
Hartnett
Robinson

Excused and not voting, 6:

Chizek
Haberman
Hall
Johnson, L.
Landis
Pirsch

The Abboud amendment lost with 20 ayes, 19 nays, 4 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Messrs. Baack, Dierks, and Mrs. Robak asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Schellpeper offered the following amendment:
AM3864

(Amendments to E & R amendments, AM5265)

1. On page 7, strike line 2, and insert "distributed to recipient race tracks which conduct wagering by the parimutuel method on quarterhorse racing.".

Messrs. Elmer, Schmit, Moore, and Peterson asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Lindsay moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Conway asked unanimous consent to be excused. No objections. So ordered.

The Schellpeper amendment was adopted with 25 ayes, 2 nays, 9 present and not voting, and 13 excused and not voting.

Mr. Chambers offered the following amendment:
FA348
Amend AM5265:
Page 10, line 18, put a period after "meeting" and strike, "or from operation of the parimutuel system."

SPEAKER BAACK PRESIDING

Messrs. R. Johnson, Ashford, Horgan, and Rogers asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 10:

Abboud
Chambers
Lamb
Lindsay
Moore
Morrissey
Rasmussen
Warner
Wehrbein
Wesely

Voting in the negative, 10:

Baack
Beyer
Coordsen
Hefner
Johnson, L.
Kristensen
Labedz
Schellpeper
Schrock
Will

Present and not voting, 14:

Bernard-Stevens
Beutler
Bohlke
Byars
Crosby
Cudaback
Hartnett
Hillman
Lynch
Nelson
Robinson
Schimek
Wickersham
Withem

Excused and not voting, 15:

Ashford
Chizek
Conway
Dierks
Elmer
Haberman
Hall
Horgan
Johnson, R.
Landis
Peterson
Pirsch
Robak
Rogers
Schmit

The Chambers amendment lost with 10 ayes, 10 nays, 14 present and not voting, and 15 excused and not voting.

The Chair declared the call raised.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 728. Placed on Select File as amended.
(E & R amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM5285.)

LEGISLATIVE BILL 1184. Placed on Select File as amended.
(E & R amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM5283.)

Correctly Engrossed

The following bills were correctly engrossed: 428, 428A, 447, 946, 1138, and 1138A.

Enrollment and Review Change to LB 447

The following changes, required to be reported for publication in the Journal, have been made:
ER7160

1. The following new section has been inserted:

"Sec. 5. That section 29-2252, Revised Statutes Supplement, 1990, be amended to read as follows:

29-2252. The administrator shall:

(1) Supervise and administer the office;

(2) Establish and maintain policies, standards, and procedures for the system, with the concurrence of the Supreme Court;

(3) Prescribe and furnish such forms for records and reports for the system as shall be deemed necessary for uniformity, efficiency, and statistical accuracy;

(4) Establish minimum qualifications for employment as a probation officer in this state and establish and maintain such additional qualifications as he or she deems appropriate for appointment to the system. Qualifications for probation officers shall be established in accordance with subsection (4) of section 29-2253. An ex-offender released from a penal complex or a county jail may be appointed to a position of deputy probation or parole officer. Such ex-offender shall maintain a record free of arrests, except for minor traffic violations, for one year immediately preceding his or her appointment;

(5) Establish and maintain advanced periodic inservice training requirements for the system;

(6) Cooperate with all agencies, public or private, which are concerned with treatment or welfare of persons on probation;

(7) Organize and conduct training programs for probation officers;

(8) Collect, develop, and maintain statistical information concerning probationers, probation practices, and the operation of the system;

(9) Interpret the probation program to the public with a view toward developing a broad base of public support;

(10) Conduct research for the purpose of evaluating and improving the effectiveness of the system;

(11) Adopt and promulgate such rules and regulations as may be necessary or proper for the operation of the office or system;

(12) Transmit a report during each even-numbered year to the Supreme Court on the operation of the office for the preceding two calendar years, which report shall be transmitted by the Supreme Court to the Governor and the Clerk of the Legislature;

(13) Administer the payment by the state of all salaries, travel, and actual and necessary expenses incident to the conduct and maintenance of the office; and

(14) Exercise all powers and perform all duties necessary and proper to carry out his or her responsibilities. ~~; and~~

~~(15) Administer the Juvenile Services Act.~~

Each member of the Legislature shall receive a copy of the report required by subdivision (12) of this section by making a request for it to the administrator.".

2. In the Bernard-Stevens amendment, AM3755, on page 15, line 19, "its" has been struck and "the" inserted; in line 22 "29-2252," has been inserted after "sections"; and in line 23 "43-1412" has been struck and "43-2412" inserted.

3. In the E & R amendment, AM5264, amendment 3 has been struck.

4. On page 1, lines 2 through 14 have been struck and "29-2252, 43-2402 to 43-2406, 43-2409, and 43-2412 to 43-2414, Revised Statutes Supplement, 1990; to state findings and intent; to create the Youth Services Planning Commission and provide for its membership and location and for a chairperson; to provide powers and duties for the commission; to state intent relating to funds appropriated for the commission; to change provisions of the Juvenile Services Act; to transfer responsibility for administration of the act from the Office of Probation Administration to the Nebraska Commission on Law Enforcement and Criminal Justice; to harmonize provisions; and to repeal the original sections." inserted.

5. The remaining sections have been renumbered.

Enrollment and Review Change to LB 1138

The following changes, required to be reported for publication in the Journal, have been made:
ER7161

1. In lieu of the Morrissey amendment, FA336, the following new section has been inserted:

"Sec. 71. The Department of Health shall adopt and promulgate the rules and regulations to implement the First Responders Emergency Rescue Act, sections 71-5101 to 71-5140, and sections 47 to 70 of this act by September 1, 1992.".

2. In the Wesely amendment, AM3521, on page 5, line 14, "serve" has been struck and "represent volunteer ambulance services with" inserted; in line 15 ". The" has been struck and ", such" inserted; and in line 16 the matter beginning with "appointed" through "services" has been struck.

3. In the Standing Committee amendment, AM2788:

a. Sections 8 and 9 have been renumbered as sections 9 and 8;

b. The two versions of sections 71-507, 71-5102, 71-5105, 71-5110, 71-5111, 71-5113, 71-5134, 71-5135, 71-5137, and 71-5139 have been combined in sections 20, 22, 23, 26, 27, 28, 41, 42, 44, and 45, respectively; and

c. On page 57, line 16, "a" has been inserted after "by".

4. The remaining sections have been renumbered and internal references corrected accordingly.

(Signed) Eric Will, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 420. Introduced by Health and Human Services Committee: Wesely, 26, Chairperson; Beyer, 3; Byars, 30; Cudaback, 36; Dierks, 40; Rasmussen, 20; Schellpeper, 18.

PURPOSE: The purpose of this resolution is to study the role of county government in providing human services to the people of Nebraska. Currently, counties have some funding responsibility for developmental disabilities services, substance abuse services, mental health services, aging services, and substance abuse services, as well as total fiscal responsibility for indigent medical care services and general assistance services. Significant state funds and some federal funds are provided for developmental disabilities services, mental health services, aging services, and substance abuse services, but the management of these programs is primarily by the counties or the regions they serve. Indigent medical care services and general assistance services are totally county funded and administered.

A special task force should be established to conduct the study and make recommendations regarding the role of county government in funding and administering human services to the people of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services and Appropriations Committees of the Legislature shall be designated to conduct an interim study to carry out the purpose of this resolution.
2. That the chairpersons of these committees shall form a special task force comprised of senators, clients and their families, county commissioners, state agency representatives, regional representatives, service providers, advocates for clients, and other interested persons to conduct the study.
3. That the task force shall call upon the resources of the Director of Research of the Legislature, the Legislative Fiscal Analyst, and other staff resources to carry out the purpose of this resolution.
4. That the committees shall upon the conclusion of the study make a report of the findings, together with any recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Messrs. Landis, Kristensen, Wickersham, and Mrs. Hillman asked unanimous consent to print the following amendment to LB 759 in the Journal. No objections. So ordered.

(Amendment on file in the Clerk's Office - Room 2018 - AM3686.)

Mr. Lynch asked unanimous consent to print the following amendment to LB 835 in the Journal. No objections. So ordered.

AM3816

(Amendments to AM3463)

1. Insert the following new sections:

"Sec. 2. The Board of Directors of the Comprehensive Health Insurance Pool and the Department of Insurance shall work closely with the Department of Veterans' Affairs to ensure the Veterans' Aid Income Fund and various federal benefits are utilized along with the Comprehensive Health Insurance Pool as resources for uninsured veterans and their families.

Sec. 3. That section 80-401.01, Revised

Statutes Supplement, 1991, be amended to read as follows:

80-401.01. For purposes of sections 80-401 to 80-412, unless the context otherwise requires:

(1) A recognized veterans organization shall mean a veterans organization that has been chartered by the Congress of the United States, which maintains a fully staffed state headquarters, and which, at the time an appointment is to be made, has enrolled in its membership in Nebraska at least ten percent of the World War I, World War II, Korean War, and Vietnam War veterans eligible therefor, except that the Disabled American Veterans organization shall have enrolled in its membership in Nebraska at least ten percent of those Nebraska veterans receiving service-connected compensation from the United States Department of Veterans Affairs. The recognized veterans organizations shall be the American Legion, Disabled American Veterans, Paralyzed Veterans of America, and Veterans of Foreign Wars of the United States;

(2) Veteran of the Spanish-American War shall mean a person who served on active duty in the armed forces of the United States between April 21, 1898, and July 4, 1902, and who received an honorable discharge, or its equivalent, from such service or who, being a citizen of the United States at the time of his or her entry into such service, served with the military forces of any government allied with the United States in that war;

~~(2)~~ (3) Veteran of World War I shall mean a person who served on active duty in the armed forces of the United States between April 6, 1917, and November 11, 1918, and who has received an honorable discharge, or its equivalent, from such service or who, being a resident of the United States at the time of his or her entry into such service, served with the military forces of any government allied with the United States in that war;

~~(3)~~ (4) Veteran of World War II shall mean a person who served on active duty in the armed forces of the United States between December 7, 1941, and December 31, 1946, and who received an honorable discharge, or its equivalent, from such service or who, being a citizen of the United States at the time of his or her entry into such service, served with the military forces of any government allied with the United States in that war and who received an honorable discharge, or its equivalent, from such service;

~~(4)~~ (5) Veteran of the Korean War shall mean a person who served on active duty in the armed forces of the United States between June 25, 1950, and January 31, 1955, and who received an honorable discharge, or its equivalent, from such service or who, being a citizen of the United States at the time of his or her entry into such service, served with the military forces of any government allied with the United States in that war and who received an honorable discharge, or its equivalent, from such service;

~~(5)~~ (6) Veteran of the Vietnam War shall mean a person who served on active duty in the armed forces of the United States between August 5, 1964, and May 7, 1975, and who received an honorable discharge, or its equivalent, from such service or who, being a citizen of the United States at the time of his or her entry into such service, served with the military forces of any government allied with the United States in that war and who received an honorable discharge, or its equivalent, from such service;

(7) Veteran of Lebanon shall mean a person who served on active duty in the armed forces of the United States between August 25, 1982, and February 26, 1984, and who received an honorable discharge, or its equivalent, from such service or who, being a citizen of the United States at the time of his or her entry into such service, served with the military forces of any government allied with the United States in that war and who received an honorable discharge, or its equivalent, from such service;

(8) Veteran of Grenada shall mean a person who served on active duty in the armed forces of the United States between October 23, 1983, and November 23, 1983, and who received an honorable discharge, or its equivalent, from such service or who, being a citizen of the United States at the time of his or her entry into such service, served with the military forces of any government allied with the United States in that war and who received an honorable discharge, or its equivalent, from such service;

(9) Veteran of Panama shall mean a person who served on active duty in the armed forces of the United

States between December 30, 1989, and January 31, 1990, and who received an honorable discharge, or its equivalent, from such service or who, being a citizen of the United States at the time of his or her entry into such service, served with the military forces of any government allied with the United States in that war and who received an honorable discharge, or its equivalent, from such service;

~~(6)~~ (10) Veteran of the Persian Gulf War shall mean a person who served on active duty in the armed forces of the United States beginning on August 2, 1990, and ending on the date thereafter prescribed by presidential proclamation or by law, and who received an honorable discharge, or its equivalent, from such service or who, being a citizen of the United States at the time of his or her entry into such service, served with the military forces of any government allied with the United States in that war and who received an honorable discharge, or its equivalent, from such service;

~~(7) Veteran of the Spanish-American War shall mean a person who served on active duty in the armed forces of the United States between April 21, 1898, and July 4, 1902, and received an honorable discharge, or its equivalent, from such service or who, being a citizen of the United States at the time of his or her entry into such service, served with the military forces of any government allied with the United States in that war;~~

~~(8)~~ (11) Active duty shall mean full-time duty in the armed forces other than active duty for training; and

~~(9)~~ (12) Active duty for training shall mean full-time duty in the armed forces performed by reserves for training purposes.".

2. On page 2, line 23, strike "is" and insert "and section 80-401.01, Revised Statutes Supplement, 1991, are".

3. Renumber the remaining section accordingly.

SELECT FILE

LEGISLATIVE BILL 1061. Mr. Chambers offered the following amendment:

FA349

Amend AM5265

Page 11, line 9, strike "shall" and insert "may".

Mr. Hefner asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 5 ayes, 0 nays, and 44 not voting.

The Chambers amendment was adopted with 30 ayes, 0 nays, 3 present and not voting, and 16 excused and not voting.

Pending.

The Chair declared the call raised.

UNANIMOUS CONSENT - Add Cointroducer

Mrs. Robak asked unanimous consent to have her name added as cointroducer to LR 329. No objections. So ordered.

UNANIMOUS CONSENT - Unbracket LB 111

Mr. Dierks asked unanimous consent to unbracket LB 111. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 421. Introduced by Wesely, 26.

WHEREAS, Louis K. (L.K.) Emry was appointed by Governor J. James Exon to serve in the Nebraska Legislature in 1978; and

WHEREAS, former Senator L.K. Emry believed strongly in the virtue and importance of working people and in the value of the labor movement and the Democratic Party to advance the concerns of working people; and

WHEREAS, former Senator Emry was raised on a farm near Panama; and

WHEREAS, former Senator Emry worked for many years at Burlington Railroad's Havelock shops; and

WHEREAS, former Senator Emry served on the boards of the Salt Valley Watershed District and the Lower Platte South Natural Resources District; and

WHEREAS, former Senator Emry was a Master Mason, active in the Havelock Methodist Church, and President of the Lincoln Central Labor Union; and

WHEREAS, former Senator Emry held many additional positions and awards; and

WHEREAS, former Senator Emry died on March 30, 1992, at the age of 81.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Nebraska Legislature recognizes L.K. Emry's achievements during his life.
2. That the Nebraska Legislature expresses its condolences to L.K. Emry's wife and family who can take some comfort in knowing that though he has died, his spirit and ideals will live on and be remembered and positively influence the state into the future.
3. That a copy of this resolution be sent to Mrs. Emry.

Laid over.

MOTION - Adjournment

Mr. Will moved to adjourn until 9:00 a.m., April 1, 1992. The motion lost with 13 ayes, 18 nays, and 18 not voting.

UNANIMOUS CONSENT - Member Excused

Mr. Coordsen asked unanimous consent to be excused. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 1061. Mr. Withem moved to indefinitely postpone.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mrs. Bohlke and Mr. Wesely asked unanimous consent to print the following amendment to LB 431 in the Journal. No objections. So ordered.

AM3675

1. Strike the original sections and all amendments thereto and insert the following new

sections:

"Section 1. Section 1 to 5 of this act shall be known and may be cited as the Childhood Vaccine Act.

Sec. 2. The Legislature hereby finds and declares that:

(1) Childhood communicable diseases constitute a serious threat to the public health of the people of this state and the prevention of childhood communicable diseases is a goal of the people;

(2) The effectiveness of childhood vaccines in preventing certain communicable diseases and thereby saving lives and preventing debilitating conditions has been well documented. Vaccines are among the most cost-effective components of preventive health care; for every dollar spent on childhood immunization, ten dollars are saved in later medical costs;

(3) Prevention of childhood diseases should include comprehensive, continuous health care, including regular medical examinations, treatment by a practitioner familiar with the child, and age-appropriate administration of immunizations;

(4) The United States Department of Health and Human Services, Public Health Service, has as its Healthy People 2000 objective to have at least ninety percent of all children completely immunized by age two. The United States immunization survey indicates that only seventy-seven percent of children two years of age had received the basic immunization series. Recent outbreaks of measles among preschoolers who are not immunized also have shown that inadequate immunization levels still occur;

(5) Nebraska has as its Year 2000 objective that seventy-five percent of its counties are covered by public immunization clinics, that ninety percent of its two-year-olds are minimally immunized, and that ninety-eight percent of its school-aged children are immunized;

(6) The Surgeon General's 1990 objective to decrease the incidence of cases of mumps and pertussis to less than one thousand has not been achieved, and the incidence of pertussis increased between 1979 and 1987;

(7) Immunization rates in other developed countries are higher than immunization rates in the United States;

(8) Diphtheria, tetanus, and pertussis

immunization rates in European countries average forty-one percent higher than in the United States;

(9) Polio immunization rates are twenty-three percent higher in European countries than in the United States;

(10) Measles immunization rates are twenty-three percent higher in England, Denmark, and Norway than in the United States;

(11) Childhood communicable diseases should be prevented through protection of Nebraska's children by immunization against measles, mumps, rubella, diphtheria, tetanus, pertussis, polio, haemophilus influenzae type B, and such other diseases as may be indicated based on then current medical and scientific knowledge;

(12) The average cost of fully vaccinating a child in the private sector has increased dramatically in the past decade. The full battery of childhood vaccines recommended by the Centers for Disease Control in 1982 increased five times in cost between 1982 and 1989. These increases have made it unaffordable for many children to receive their immunizations at their private practitioner's office; and

(13) There is a national effort to continue current immunization programs and to provide additional funds to implement the Healthy People 2000 objective that ninety percent of children are appropriately immunized by two years of age.

Sec. 3. (1) It is the intent of the Legislature that the citizens of the State of Nebraska benefit by participation in national efforts to take innovative action to provide immunization of our children by removal of barriers which impede vaccine delivery and by improving access to immunization services.

(2) It is also the purpose of the Childhood Vaccine Act to provide authorization for childhood immunization demonstration or pilot projects that document childhood immunization trends, encourage cooperation between and use of both private practitioners and public providers in offering health care to children, and otherwise assess a total approach to immunization against childhood diseases.

Sec. 4. The Department of Health may participate in the national efforts described in sections 2 and 3 of this act and may develop a statewide immunization action plan which is comprehensive in scope and reflects contributions from a broad base of providers and consumers. In order to implement the statewide immunization action plan, the department may:

(1) Actively seek the participation and commitment of the public, health care professionals and facilities, the educational community, and community organizations in a comprehensive program to ensure the state's children are appropriately immunized;

(2) Apply for and receive public and private awards to purchase vaccines and to administer a statewide comprehensive program;

(3) Provide immunization information and education to the public, parents, health care providers, and educators to establish and maintain a high level of awareness and demand for immunization by parents;

(4) Assist parents, health care providers, and communities in developing systems, including demonstration and pilot projects, which emphasize well-child care and the use of private practitioners and which improve the availability of immunization and improve management of immunization delivery so as to ensure the adequacy of the vaccine delivery system;

(5) Evaluate the effectiveness of these statewide efforts, conduct ongoing measurement of children's immunization status, identify children at special risk for deficiencies in immunization, and report on the activities of the statewide immunization program annually to the Legislature and the citizens of Nebraska; and

(6) Recognize persons who volunteer their efforts towards achieving the goal of providing immunization of the children of Nebraska and in meeting the Healthy People 2000 objective of series-complete immunization coverage for ninety percent or more of United States children by their second birthday.

Sec. 5. The Childhood Vaccine Act is not intended to create an entitlement to any activities described in the act, and the Department of Health may perform the activities described in the act to the extent funds are available.

Sec. 6. That section 71-1913.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1913.01. (1) Each early childhood program shall require the parent or guardian of each child enrolled in such program to present within thirty days of enrollment and periodically thereafter (a) proof that the child is protected by age-appropriate immunization against measles, mumps, rubella, poliomyelitis, diphtheria, pertussis, tetanus, and haemophilus influenzae type B ~~or (b)~~ and such other diseases as the Department of Health may from time to time specify based on then-current medical and scientific knowledge, (b) certification by a physician, certified nurse practitioner, or physician assistant that immunization is not appropriate for a stated medical reason, or (c) a written statement that ~~he or she~~ the parent or guardian does not wish to have such child so immunized and the reasons therefor. The early childhood program shall exclude a child from attendance until such proof, certification, or written statement is provided. At the time the parent or guardian is notified that such information is required, he or she shall be notified in writing of his or her right to submit a certification or written statement ~~refusing immunization for his or her child~~ pursuant to subdivision (b) or (c) of this subsection.

(2) Each early childhood program shall keep a written record of immunization, the certification, or the written statement of the parent or guardian. ~~that he or she does not wish to have the child immunized.~~ Such record, certification, or statement shall be kept by the early childhood program as part of the child's file and shall be available to the Department of Social Services and shall be filed with the Department of Health for review and inspection. Each early childhood program shall report to the Department of Health by November 1 of each year the status of immunization for children enrolled as of September 30 of that year.

Sec. 7. That section 71-1913.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1913.03. The Department of Health shall adopt and promulgate rules and regulations relating to the required levels of protection, using as a guide the recommendations of the American Academy of Pediatrics and the Advisory Committee on Immunization Practices of the Centers for Disease Control of the United States

Department of Health Public Health Service, and the methods, manner, and frequency of reporting of each child's immunization status. The Department of Health shall furnish each early childhood program with copies of such rules and regulations and any other material which will assist in carrying out section 71-1913.01.

Sec. 8. That section 79-444.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-444.01. Each board of education and the governing authority of each school in this state shall require each student to be protected against measles, mumps, rubella, poliomyelitis, diphtheria, pertussis, and tetanus by immunization prior to November 1 of each school year for original enrollees or, in the case of a student transferring from another school, within sixty days after the enrollment date, unless a parent or guardian of such student presents a written statement that he or she does not wish to have such student so immunized. Such written statement shall be kept in the student's file. Any student who does not comply with this section shall not be permitted to continue in school until he or she shall so comply.

~~The~~ Except as provided in the Childhood Vaccine Act, the cost of such immunization shall be borne by the parent or guardian of each student who is immunized; ~~PROVIDED, that such cost shall be borne~~ or by the Department of Health for those students whose parents or guardian are financially unable to meet such cost. ~~for such service.~~

Sec. 9. Sections 6, 7, and 12 of this act shall become operative September 30, 1993. The other sections of this act shall become operative on their effective date.

Sec. 10. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.

Sec. 11. That original section 79-444.01, Reissue Revised Statutes of Nebraska, 1943, is repealed.

Sec. 12. That original sections 71-1913.01 and 71-1913.03, Reissue Revised Statutes of Nebraska, 1943, are repealed.

Sec. 13. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

Mr. Beutler asked unanimous consent to print the following amendment to LB 1059 in the Journal. No objections. So ordered.

AM3825

1. Insert the following new section:

"Sec. 2. That section 24-810, Revised Statutes Supplement, 1991, be amended to read as follows:

24-810. (1) Prior to the time for the first meeting of the judicial nominating commission prescribed in subsection (2) of this section, the Supreme Court shall, after consultations with attorneys of the district as it deems appropriate, determine and announce to the judicial nominating commission the county where the primary office for the appointed judge shall be located. In designating a primary office, the Supreme Court shall locate judges so as to provide maximum service to all areas of the judicial district. If more than one county is acceptable as a primary office, the Supreme Court may so state and may leave the final choice of the location of the primary office to the appointed judge. The State Court Administrator, with advice from the district and county judges associations, shall develop a uniform and accurate system of measuring judicial workloads which shall be the principal criterion used by the Supreme Court when designating a primary office.

(2) In the event of a judicial vacancy, the Clerk of the Supreme Court shall contact the chairperson of the judicial nominating commission relating to such vacancy and shall ascertain from him or her a time and place for the first meeting of such judicial nominating commission, at which time a public hearing will be held. He or she shall thereupon notify each commission member in writing of the time and place of the meeting and shall also cause appropriate notice to be published by various news media of the time and place of the public hearing of the judicial nominating commission and of the interest of the commission in receiving information relating to qualified candidates for the judicial vacancy. Any lawyer meeting the statutory requirements to serve as a judge who is interested in being nominated

and appointed to such judgeship shall signify his or her interest by filing the appropriate application with the proper entity at least twenty-one days prior to the public hearing. At least ten days prior to the public hearing, the chairperson shall release to the public the names of all lawyers who have applied for such judgeship. Any member of the public shall be entitled to attend the public hearing to express, either orally or in writing, his or her views concerning candidates for the judicial vacancy.

~~(2)~~ (3) After the public hearing, the judicial nominating commission shall hold such additional private or confidential meetings as it determines to be necessary. Additional information may be submitted in writing to the commission at any time prior to its selection of qualified candidates to fill the vacancy. The commission shall make such independent investigation and inquiry as it considers necessary or expedient to determine the qualifications of candidates for the judicial vacancy and shall take such action as it deems necessary or expedient to encourage qualified candidates to accept judicial office or nomination for judicial office.

~~(3)~~ (4) The judicial nominating commission may, before or after the hearing provided for in subsection ~~(1)~~ (2) of this section, institute a search for additional candidates. If additional candidates are obtained, the commission shall hold further public hearings in the same manner as provided in such subsection.

~~(4)~~ (5) The names of candidates shall be submitted to the Governor within ninety days after a judicial vacancy occurred if one public hearing is held and within one hundred twenty days if more than one public hearing is held.

~~(5)~~ (6) The first public hearing provided for in this section shall be held within sixty days after the vacancy occurs.".

2. On page 2, line 9, after "Gage," insert "Thayer,"; in line 18 after "Colfax," insert "Boone, Nance,"; in line 21 strike "Cuming" and insert "Cedar"; and in line 25 strike "Cedar" and insert "Cuming".

3. On page 3, line 4, strike "Boone," and strike "Howard, and" and insert "and Howard;"; strike line 5 and show the old matter as stricken; and in line

11 strike "Fillmore, and Thayer" and insert "and Fillmore".

4. On page 6, line 2, strike "section 24-301.02" and insert "sections 24-301.02 and 24-810"; and in line 3 strike "is" and insert "are".

5. Renumber the remaining sections accordingly.

Mrs. Crosby asked unanimous consent to print the following amendment to LB 934 in the Journal. No objections. So ordered.

AM3859

1. Insert the following new section:

"Section 1. That section 23-1118, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-1118. (1)(a) Unless the county has adopted a retirement system pursuant to section 23-2329, the county board of any county having a population of one hundred thousand inhabitants or more may, in its discretion and with the approval of the voters, provide retirement benefits for present and future employees of the county. The cost of such retirement benefits shall be funded in accordance with sound actuarial principles with the necessary cost being treated in the county budget in the same way as any other operating expense. ~~Each~~

(b) Except in a county having a population of two hundred thousand or more inhabitants but not more than three hundred thousand inhabitants, each employee shall be required to contribute, or have contributed on his or her behalf, an amount at least equal to the county's contribution to the cost of any such retirement program as to service performed after the adoption of such retirement program, but the cost of any benefits based on prior service shall be borne solely by the county.

(c) In a county having a population of two hundred thousand or more inhabitants but not more than three hundred thousand inhabitants, the county shall establish the employee and employer contributions rates to the retirement plan for each year. The amount contributed by the county shall be at least equal to each employee's mandatory contribution rate, if any, and by January 1, 1995, shall be at least equal to one and three-tenths of each employee's mandatory contribution rate, but the combined mandatory contributions of the county and its employees to the cost of any such retirement program shall not exceed thirteen percent of the employees' salaries.

(2) Before the county board provides retirement benefits for the employees of the county, such question shall be submitted at a regular general or primary election held within the county, and in which election all persons eligible to vote for the county officials of the county shall be entitled to vote on such question, which shall be submitted in the following language: Shall the county board provide retirement benefits for present and future employees of the county? If a majority of the votes cast upon such question ~~shall be~~ are in favor of such question, then the county board shall be empowered to provide retirement benefits for present and future employees as provided in this section. If such retirement benefits for present and future county employees are approved by the voters and authorized by the county board, then the funds of such retirement system, in excess of the amount required for current operations as determined by the county board, may be invested and reinvested in the class of securities and investments described in section 30-3209.

(3) As used in this section, employees shall mean all persons or officers devoting more than twenty hours per week to employment by the county, all elected officers of the county, and such other persons or officers as are classified from time to time as permanent employees by the county board.

~~(2)~~ (4) The county may pick up the member contributions required by this section for all compensation paid on or after January 1, 1985, and the contributions so picked up shall be treated as employer contributions in determining federal tax treatment under the United States Internal Revenue Code, except that the county shall continue to withhold federal income taxes based upon these contributions until the Internal Revenue Service, or the federal courts, rule that, pursuant to section 414(h) of the United States Internal Revenue Code, these contributions shall not be included as gross income of the member until such time as they are distributed or made available. The county shall pay these member contributions from the same source of funds which is used in paying earnings to the member. The county shall pick up these contributions by a salary deduction either through a reduction in the cash salary of the member or a combination of a reduction in salary and offset against a future salary increase. Member contributions picked up shall be treated in the same manner and to the same extent as member contributions made prior to the date picked up.".

2. On page 24, line 7, after "sections" insert "23-1118,".

3. Renumber the remaining sections accordingly.

VISITORS

Visitors to the Chamber were a group from the Independent Youth Center Program, Lincoln; and Beth and Jerry McKibbon from Minnesota.

The Doctor of the Day was Tom Baer from Lincoln.

ADJOURNMENT

At 8:17 p.m., on a motion by Mr. Schrock, the Legislature adjourned until 9:00 a.m., Wednesday, April 1, 1992.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-SECOND DAY - APRIL 1, 1992

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

NINETY-SECOND LEGISLATURE
SECOND SESSION

FIFTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 1, 1992

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Baack presiding.

PRAYER

The prayer was offered by Pastor Laquita McKibbin, Martell United Methodist Church, Martell, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Ashford, Byars, Conway, Coordsen, Haberman, Hall, R. Johnson, Lindsay, Morrissey, Schmit, Mmes. Labedz, Pirsch, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-first day was approved.

UNANIMOUS CONSENT - Member Excused

Mr. Cudaback asked unanimous consent to be excused until he returns. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Lamb asked unanimous consent to print the following amendment to LB 719 in the Journal. No objections. So ordered.

AM3762

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 79-402, Revised Statutes Supplement, 1991, be amended to read as follows:

79-402. (1) The county superintendent shall create a new school district from other districts, change the boundaries of any district, or affiliate a Class I district or portion thereof with one or more existing Class II, III, IV, or V districts upon receipt of petitions signed by sixty percent of the legal voters of each district affected, except that petitions shall contain signatures of at least sixty-five percent of the legal voters of each district affected if the proposed change has been disapproved by both the state and county committees for school district reorganization or, in the case of affiliation, if the petition has been disapproved by the county committee pursuant to sections 79-402.14 and 79-402.15. When area is added to a Class VI district or when a Class I district which is entirely or partially within a Class VI district is taken from the Class VI district, the Class VI district shall be deemed to be an affected district.

(2) Petitions proposing to change the boundaries of existing school districts through the transfer of a parcel of land, not to exceed six hundred forty acres, may be acted upon and so transferred by order of the county superintendent when the petitions involve the transfer of land between Class I, II, III, IV, or V school districts or when there would be an exchange of parcels of land between Class I, II, III, IV, or V school districts if the petitions have the approval of at least sixty-five percent of each school board or board of education. ~~Petitions proposing to change the boundaries of existing school districts through the transfer of a parcel of land, not to exceed six hundred forty acres, may be acted upon and so transferred by order of the county superintendent when the petitions involve the transfer of a parcel of land from a Class I or a Class II school district to a school district of a higher classification if the petition has the approval of sixty-five percent of the legal voters or the board of education of each affected school district as set forth in this section or section~~

~~79-402.03.~~

(3)(a) Petitions proposing to create a new school district, to change the boundary lines of existing school districts, to create an affiliated school system, or to affiliate a Class I district in part and to join such district in part with a Class VI district, any of which involves the transfer of more than six hundred forty acres, shall, when signed by at least sixty percent of the legal voters in each district affected, be submitted to the county committee for school district reorganization. In the case of a petition for affiliation or a petition to affiliate in part and in part to join a Class VI district, the county committee shall review the proposed affiliation subject to sections 79-402.14 and 79-402.15. The county committee shall, within forty days, review and approve or disapprove such proposal and submit it to the state committee for school district reorganization, except that an affiliation petition or a petition to affiliate in part and in part to join a Class VI district shall not be submitted to the state committee and the county committee's approval or disapproval shall be final.

(b) The state committee shall, within forty days, review and approve or disapprove the proposal and return it with any recommendations deemed advisable to the county committee. The county committee shall, within fifteen days of receipt of the returned proposal, consider the action of the state committee and determine whether to give final approval or disapproval to the proposal.

(c) The county committee shall, within fifteen days of receipt of the returned proposal or of the committee's final approval or disapproval of an affiliation petition or a petition to affiliate in part and in part to join a Class VI district, advertise and hold a public hearing at which the recommendations and action of the state and county committees are presented to the legal voters in attendance. The county committee shall hold the petitions for ten days following the hearing at the end of which time the committee shall file the petitions with the county superintendent.

(d) The county superintendent shall, within fifteen days, advertise and hold a hearing to determine the validity and sufficiency of the petitions. Upon determination, as a result of the hearing, that sufficient valid signatures are contained in the respective petitions, the county superintendent shall proceed to effect the changes in district boundary lines as set forth in the petitions.

(4) Any person adversely affected by the changes made by the county superintendent may appeal to the district court of any county in which the real estate or any part thereof involved in the dispute is located. If the real estate is located in more than one county, the court in which an appeal is first perfected shall obtain jurisdiction to the exclusion of any subsequent appeal.

(5) A signing petitioner shall be permitted to withdraw his or her name therefrom and a legal voter shall be permitted to add his or her name thereto at any time prior to the end of the ten-day period when the county committee files such petitions with the county superintendent. Additions and withdrawals of signatures shall be by notarized affidavit filed with the county superintendent.

Sec. 2. That section 79-3806, Revised Statutes Supplement, 1991, be amended to read as follows:

79-3806. (1) Except as provided in subsections (2) through (6) of this section, each district shall receive equalization aid in the amount that the total formula need of each such district, as determined pursuant to subsection (4) of this section and sections 79-3805 and 79-3807, exceeds its total formula resources as determined pursuant to subsection (4) of this section and sections 79-3808 to 79-3811.

(2) A district shall not receive state aid for each of the school years ~~1990-91, 1991-92, and 1992-93~~ 1992-93, 1993-94, and 1994-95 which is less than one hundred percent of the amount of aid received pursuant to the School Foundation and Equalization Act for school year 1989-90.

(3) No district shall receive equalization aid in an amount such that total state aid received would result in such district having a general fund tax levy of less than sixty percent of the local effort rate as computed pursuant to section 79-3808. The calculation shall be based on valuation, state aid, and levy data from the current school year and, for the calculation of state aid in school year 1992-93 and each school year

thereafter, shall also take into consideration the amounts of nonresident high school tuition certified by the department pursuant to section 79-4,102 for the current school year and for the school year in which such state aid is to be paid.

(4) For school districts in affiliated school systems as defined in section 79-101.01, equalization aid to be paid in school year 1992-93 and each school year thereafter shall be computed as follows:

(a) For affiliated Class I districts, the total formula need and total formula resources shall be allocated to each affiliated school system based upon the proportion of such Class I district's adjusted valuation contained in each system with which it is affiliated;

(b) For the high school district and each Class I district or portion thereof allocated pursuant to subdivision (a) of this subsection, the total formula resources shall be subtracted from the total formula need, except that the difference shall never be less than zero;

(c) Each district's total formula need, total formula resources, and difference calculated pursuant to subdivision (b) of this subsection shall be added to arrive at system formula need, system formula resources, and system total difference;

(d) System equalization aid shall equal the amount by which the system formula need exceeds system formula resources; and

(e) Each district's share of the system equalization aid shall be calculated by dividing the district's difference calculated pursuant to subdivision (b) of this subsection by the system total difference and multiplying the result by the system equalization aid.

(5) Beginning with school year 1994-95, a district which does not generate equalization aid pursuant to subsection (1) of this section and in which option students as defined in section 79-3402 were actually enrolled in the most recently available complete data year shall receive additional state aid for each such student in an amount equal to the statewide average tiered cost per student or the option district's tiered cost per student, whichever is less.

(6) For school years 1992-93 and 1993-94, a

district which does not generate equalization aid pursuant to subsection (1) of this section and in which option students as defined in section 79-3402 were actually enrolled in the most recently available complete data year shall receive additional state aid computed by first multiplying the number of such option students, by grade group, by the district's tiered cost per student for each grade group and then summing the results for all grade groups in the district. The district shall receive additional state aid equal to the amount by which this calculation exceeds the district's actual receipts pursuant to section 79-3415 in the most recently available complete data year.

Sec. 3. That section 79-3807, Revised Statutes Supplement, 1991, be amended to read as follows:

79-3807. (1) Except as provided in ~~subsection~~ subsections (2) and (3) of this section, utilizing each district's tiered cost per student as determined in section 79-3805, total formula need for each district shall be computed by first multiplying the number of formula students in each grade grouping of kindergarten, one through six, including full-day kindergarten, seven and eight, and nine through twelve by each such district's corresponding tiered cost per student in each grade grouping. The sum of such products shall be the district's total formula need.

(2) For calculations of state aid to be paid in school year 1992-93 and each school year thereafter, in school districts which certify to the department no later than June 15 of the current year that such district's average daily membership for the current year exceeds the average daily membership from the most recently available complete data year by more than twenty-five students and by more than one percent of the district's average daily membership in the most recently available complete data year, the total formula need computed pursuant to subsection (1) of this section shall be computed on the basis of formula students from the current year rather than the most recently available complete data year. Average daily membership increases and formula student increases attributable to school district reorganization shall not be included in the calculations made pursuant to this subsection.

(3) For calculation of state aid to be paid in

school year 1993-94 and each school year thereafter, total formula need for the nonresident high school tuition fund of each county shall equal the total nonresident high school tuition charge for the county for each such school year as certified by the department pursuant to section 79-4,102.

Sec. 4. That original sections 79-402, 79-3806, and 79-3807, Revised Statutes Supplement, 1991, are repealed.".

Mr. Baack asked unanimous consent to print the following amendment to LB 459 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM3832.)

RESOLUTIONS

LEGISLATIVE RESOLUTION 417. Read. Considered.

LR 417 was adopted with 27 ayes, 0 nays, and 22 not voting.

LEGISLATIVE RESOLUTION 418. Read. Considered.

LR 418 was adopted with 28 ayes, 1 nay, and 20 not voting.

LEGISLATIVE RESOLUTION 421. Read. Considered.

Ms. Schimek, Mrs. Crosby, Messrs. Beutler, Warner, and Landis asked unanimous consent to have their names added as cointroducers to LR 421. No objections. So ordered.

LR 421 was adopted with 38 ayes, 0 nays, and 11 not voting.

MOTION - Approve Appointments

Mr. Schellpeper moved the adoption of the report of the General Affairs Committee for the following Governor appointments found in the Journal on page 1717: William M. Whitmer - State Electrical Board; Donald N. Dworak - Nebraska Liquor Control Commission; and Sonia M. Breslow, Al Davis, and Donna N. Williams - Nebraska Arts Council.

Voting in the affirmative, 30:

Abboud Baack

Bernard-Stevens
Beyer
Bohlke
Chambers
Conway
Coordsen
Crosby
Elmer
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Lamb
Landis
Morrissey
Nelson
Peterson
Pirsch
Robak
Robinson
Rogers
Schellpeper
Schimek
Schrock
Warner
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 12:

Beutler
Byars
Chizek
Dierks
Kristensen
Labedz
Lynch
Moore
Rasmussen
Wehrbein
Wickersham
Will

Excused and not voting, 7:

Ashford
Cudaback
Haberman
Hall
Johnson, R.
Lindsay
Schmit

These appointments were confirmed with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

Mr. Wesely moved the adoption of the report of the Health and Human Services Committee for the following Governor appointments found in the Journal on page 1744: Dr. Steven Bennett, Barbara Christensen, Janel Foote, Dr. Richard Tempero, and Dr. Arthur Weaver - State Board of Health; Kathy Jo Skogstad - Rural Health Advisory Commission; and Gary Rickett and Roger Cross - Modular Housing Advisory Board.

Voting in the affirmative, 26:

Abboud
Baack
Beutler
Beyer
Bohlke
Byars
Chambers
Coordsen
Crosby
Elmer
Hartnett
Hillman
Horgan
Johnson, L.
Landis
Morrissey
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schrock
Warner
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 16:

Bernard-Stevens
Chizek
Conway
Dierks
Hefner
Kristensen
Labedz
Lamb
Lynch

Moore
Rasmussen
Robinson
Schimek
Wehrbein
Wickersham
Will

Excused and not voting, 7:

Ashford
Cudaback
Haberman
Hall
Johnson, R.
Lindsay
Schmit

These appointments were confirmed with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Mr. Rogers moved the adoption of the report of the Agriculture Committee for the following Governor appointment found in the Journal on page 1761: Dale L. Eirich - Nebraska Dry Bean Commission.

Voting in the affirmative, 28:

Abboud
Baack
Bernard-Stevens
Beyer
Bohlke
Chambers
Chizek
Conway
Coordsen
Crosby
Elmer
Hartnett
Hillman
Johnson, L.
Lamb
Landis
Lynch
Nelson
Peterson
Pirsch
Rasmussen
Robak
Rogers
Schellpeper
Warner
Wehrbein
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 14:

Beutler
Byars
Dierks
Hefner
Horgan
Kristensen
Labedz
Moore
Morrissey
Robinson
Schimek
Schrock
Wickersham
Will

Excused and not voting, 7:

Ashford
Cudaback
Haberman
Hall
Johnson, R.
Lindsay
Schmit

The appointment was confirmed with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

MR. WARNER PRESIDING

EXPLANATION OF VOTE

Had I been present, I would have voted "yes" on the passage of LR 418.

(Signed) Bernice Labedz

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 78. Placed on General File.

LEGISLATIVE RESOLUTION 222. Placed on General File.

(Signed) Jerry Chizek, Chairperson

MOTION - Return LB 573 to Select File

Mr. Baack moved to return LB 573 to Select File for his specific amendment, AM2755, found in the Journal on page 669.

The Baack motion to return prevailed with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 573. The Baack specific amendment, AM2755, found in the Journal on page 669, was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

MOTION - Suspend Rules

Mr. Bernard-Stevens moved to suspend the rules, Rule 7, Section 3(d) to permit consideration of AM3882 to LB 573.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

SPEAKER BAACK PRESIDING

The Bernard-Stevens motion to suspend the rules prevailed with 31 ayes, 1 nay, 12 present and not voting, and 5 excused and not voting.

MOTION - Return LB 573 to Select File

Mr. Bernard-Stevens moved to return LB 573 to Select File for the following specific amendment:

AM3882

(Amendments to AM2573)

1. Insert the following new sections:

"Sec. 9. That section 70-612, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

70-612. (1) Subject to the provisions of Chapter 70, article 6, and subject to the approval of the Nebraska Power Review Board, the board of directors of a district may amend the petition for its creation to provide for the division of the territory of such district into two or more subdivisions for the nomination and election of some or all of the directors. Each subdivision shall be composed of one or more voting precincts~~,~~ or divided voting precincts, and the total population of each such subdivision shall be approximately the same. Two or more subdivisions may be combined for election purposes, and members of the board of directors to be elected from such combined subdivisions may be nominated and elected at large when not less than seventy-five percent of the population of the combined subdivisions is within the corporate limits of any city. In the event a district formed comprises three or more counties and is ~~(1)~~ (a) engaged in furnishing electric light and power and more than fifty percent of its customers are rural customers or ~~(2)~~ (b) engaged in furnishing electric light and power and in the business of owning and operating irrigation works, then and in that event such subdivisions may be formed by following county boundary lines without regard to population if in the judgment of the Nebraska Power Review Board the interests of the rural users of electricity or of users of irrigation water service in such district will not be prejudiced thereby.

(2) Any public power district or public power and irrigation district owning and operating irrigation works may, with approval of the Nebraska Power Review Board, add representation on its board of directors from any county which is outside its chartered territory but in which is located some or all of such irrigation works.

Sec. 15. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.".

2. On page 25, line 8, after the comma insert "70-612,".

3. Renumber the remaining sections accordingly.

The Bernard-Stevens motion to return prevailed with 27 ayes, 1 nay, 16 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 573. The Bernard-Stevens specific amendment, AM3882, found in this day's Journal, was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

ANNOUNCEMENT

The Chair announced today is Senator Rasmussen's birthday.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 421.

GENERAL FILE

LEGISLATIVE BILL 1063A. Mr. Warner renewed his pending amendment, AM3460, found in the Journal on page 1313.

MR. LAMB PRESIDING

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Warner moved for a call of the house. The motion prevailed with 7 ayes, 0 nays, and 42 not voting.

The Warner amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for review with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 306A. Considered.

Advanced to E & R for review with 28 ayes, 3 nays, 15 present and not voting, and 3 excused and not voting.

NOTICE OF COMMITTEE HEARING
Transportation

Governor Appointment Wednesday, April 8, 1992 1:15 p.m.
John A. Rickerts - Motor Vehicle Industry Licensing Board

(Signed) Doug Kristensen, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Lindsay asked unanimous consent to print the following amendment to LB 719A in the Journal. No objections. So ordered.

AM3839

(Amendments to AM3798)

1. On page 259, line 18, strike "Commencing", show as stricken, and insert "Except as otherwise provided in this section, commencing"; and in line 23 after the underscored period insert "Any commercial fertilizer subject to the sales and use tax pursuant to the Nebraska Revenue Act of 1967 shall be exempt from the fee imposed by this section.".

Mr. Chizek asked unanimous consent to print the following amendment to LB 189 in the Journal. No objections. So ordered.

AM3849

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. It shall be unlawful for any employer in Nebraska to (1) refuse to interview or refuse to hire a prospective employee or (2) discharge or otherwise discriminate against any employee concerning any conditions, terms, or benefits of employment, based on the prospective or current employee's participation in any lawful activity or consumption of any lawful product occurring outside the employer's premises during nonworking hours.

Sec. 2. An employee who is discriminated against or discharged in violation of section 1 of this act or a prospective employee who is discriminated against, denied employment, or denied submission of an application for employment in violation of section 1 of this act may bring civil action against the employer violating the provisions of such section and may obtain:

(1) An order of reinstatement without loss of position, seniority, or benefits;

(2) An order directing reinstatement of an applicant in good standing;

(3) Damages equal to the amount of lost wages and benefits; and

(4) Reasonable costs, including court costs and reasonable attorney's fees.

Sec. 3. Sections 1 and 2 of this act shall not apply to the following:

(1) A religious corporation, association, or society with respect to employees who (a) perform work connected with the carrying on of the religious activities of such corporation, association, or society or (b) are employed in a school connected with such corporation, association, or society; and

(2) A nonprofit organization with regard to any lawful activity or lawful product when the primary purpose or objective of such organization is to promote, control, limit, or eliminate such lawful activity or the use of such lawful product.

Sec. 4. Nothing in sections 1 and 2 of this act shall prohibit employers from:

(1) Establishing conduct or product-use policies in the workplace or while using or occupying any property of the employer;

(2) Offering or having in effect a health, disability, or life insurance policy which makes a distinction between employees for the type of coverage or the price of coverage based upon the use of lawful products or participation in lawful activities, if the differential premium rates charged reflect the differential cost to the employer and if the employer provides the employee with a statement delineating the differential rates.

(3) Establishing permissible blood content

levels for alcohol, prescription drugs, and other medications while the employee is on duty, on the employer's premises, or using the employer's equipment; or

(4) Establishing and enforcing policies, when such policies are communicated to the employee, regarding employees engaging in lawful activities or using lawful products outside the employer's premises during nonworking hours when such policies relate to conduct, including use of a lawful product, which involves (a) an employer's duties and obligations required by law, (b) compliance with fiduciary responsibilities, or (c) a legitimate conflict of interest policy designed to protect the employer's trade secrets, proprietary information, or other proprietary interests.".

ATTORNEY GENERAL'S OPINION

Opinion No. 92052

DATE:	March 26, 1992
SUBJECT:	LB 1172, As Amended - Federal Preemption of Requirement That Communicating Devices or Occupied Cabooses Be Used By Trains Operating Between Specified Locations In Nebraska.
REQUESTED BY:	Senator Dennis Byars Nebraska State Legislature
WRITTEN BY:	Don Stenberg, Attorney General L. Jay Bartel, Assistant Attorney General

You have requested our opinion regarding whether LB 1172, if amended as proposed under AM3540, would impose requirements on trains operating between certain locations in Nebraska which are in contravention of federal law.

In Attorney General Opinion No. 92044, March 17, 1992, we concluded that the requirements sought to be imposed on the operation of trains in Nebraska under LB 1172 were preempted by federal law. Specifically, we concluded that the requirement under LB 1172 that trains operating between certain locations specified in section 3 of the bill be equipped with "communicating devices" was preempted by both the Locomotive Boiler Inspection Act {LBIA}, 45 U.S.C. § 22 et seq. (1988), and the Federal Railroad Safety Act {FRSA}, 45 U.S.C. § 421 et seq. (1988). Upon review of the proposed amendment to LB 1172, it is our opinion that, even if the changes contained in AM3540 were adopted, the requirements imposed under the bill would still be contrary to federal law.

In our prior opinion, we set forth the principles regarding the preemption under the supremacy clause of the United States Constitution of state laws which conflict with federal law, and noted that, in addressing the preemption issues raised by the proposed "communicating device" requirement provided for under LB 1172, it was necessary to consider two federal statutory schemes regulating railroads, the LBIA and the FRSA. The preemptive effect of these two congressional enactments was discussed at length in our earlier opinion, and, accordingly, such discussion will not be reiterated herein. In examining whether the changes to LB 1172 proposed under AM3540 remedy the defects identified in our previous opinion, it is again necessary to examine the preemption principles applicable under the LBIA and the FRSA.

With respect to the application of the LBIA, it is clear that the total preemptive effect of the LBIA precludes any state efforts to impose requirements for locomotive equipment. Napier v. Atlantic Coast Railroad Co., 272 U.S. 605 (1926); Missouri Pacific Railroad Co. v. Railroad Comm'n of Texas, 833 F.2d 570, 576n.7 (5th Cir. 1987) ("State attempts to prescribe any locomotive safety equipment must necessarily fail.") (Emphasis in original). It is apparent that, even if the proposed amendment to LB 1172 were adopted, the "communicating devices" required under the bill would mandate the use and installation of equipment on locomotives of certain trains not required by federal law, in contravention of these principles.

The proposed amendment to section 4 of the bill would retain the requirement that such devices include installation of a "radio transmitter and receiver system or other electronic equipment" that transmits certain information "to the engineer in the front of the train." The device is still required to display specific information to the engineer at the front of the train regarding brake pipe pressure at the rear car of the train, rear car movement, battery life, whether the rear marker light is operating, interruption of the communicating device radio transmission, and distance in feet travelled. The amendment would eliminate the provision requiring that the device be capable of sending a signal to the "end-of-train" device placed on the last car of the train to initiate an "emergency braking" of the train.

Upon review of these proposed changes, we are still of the opinion that the "communicating device" required by LB 1172 would mandate the use and installation of equipment on locomotives not required by federal law, in violation of the LBIA. The Federal Railroad Safety Administration {FRSA} has promulgated regulations which set forth specifications and requirements for certain telemetry devices which are permitted (not required) to be used on trains subject to its jurisdiction. 49 C.F.R. § 232.19. Apart from the fact that the use of such devices under federal regulations is permissive, and not mandatory, it is evident that the specifications sought to be imposed by LB 1172 would impose requirements in addition to those provided under federal law. For example, while LB 1172 mandates the front-of-train device be capable of receiving information from the rear-of-train device as to "rear car movement," the federal regulations governing telemetry systems are silent as to this issue. In any event, to the extent that LB 1172, if amended as proposed under AM3540, would still mandate installation of equipment on locomotives not required by federal law, it is our opinion that the imposition of such equipment requirements affecting locomotives is preempted by the LBIA.

Furthermore, even if the proposed amendment to LB 1172 could save the bill from being struck down in the event of a preemption challenge under the LBIA, we still believe the bill, if amended in the manner proposed, would, if challenged, be held to contravene the FRSA, and, as such, would be preempted on this basis.

The FRSA allows state railroad safety regulation of areas not covered by the "subject matter" of rules adopted by the federal government. A state may regulate railroad safety in the same area as the federal government only: (1) "when necessary to eliminate or reduce an essentially local safety hazard"; (2) "when not incompatible with any Federal law, rule, regulation, order or standard"; and (3) "when not creating an undue burden on interstate commerce." 45 U.S.C. § 434 (1988). In order for a state rule or regulation reaching a federally-addressed rail safety issue to survive preemption under the FRSA, it must satisfy each of the elements of this narrow exception. National Association of Regulatory Commissioners v. Coleman, 542 F.2d 11 (3d Cir. 1976).

As stated in our prior opinion, "{t}here can be no question that the federal government has enacted rules or regulations covering the 'subject matter' sought to be addressed by LB 1172." Attorney General Opinion No. 92044, at 6. Nothing in the proposed amendment to LB 1172 alters the fact that the bill continues to address areas affecting railroad safety issues (i.e. telemetry/communicating device requirements or occupied caboose requirements) already covered by federal regulation.[1]

This leaves, of course, the question of whether the proposed amendment to LB 1172 could place the requirements sought to be imposed within the "local safety hazard" exception. In our view, the bill, even if amended as proposed, could not satisfy each of the three elements necessary for application of this exception.

First, while section 1 of LB 1172 still declares the occupied caboose or communicating device requirements are necessary to address "local safety hazard" concerns in areas specified in section 3 of the bill, it again does not identify what specific "local safety hazard" issues are sought to be remedied by imposing such requirements in these areas. As noted in our prior opinion, when the State of Oregon imposed telemetry equipment requirements on cabooseless trains operating through assertedly "local safety hazard" areas, which were defined to include areas where track grades, urban development, or certain rail-highway grade-crossings existed, the federal district court held that the "local safety hazard" exception was inapplicable. Union Pacific Railroad Co. v. Public Utility Comm'n of Oregon, 723 F.Supp. 526, 530 (D. Or. 1989). Similarly, when the State of Virginia imposed telemetry equipment requirements on cabooseless trains, including those trains operating in "local safety hazard" areas such as mainline tracks passing through railroad switching yards, the federal district court nonetheless held the requirements to be preempted by federal law. CSX Transportation, Inc. v. Griffith, Civ. 2:89-0480 and Norfolk and Western Ry. Co. v. Public Service Comm'n of West Virginia, Civ. 2:89-0676 (S.D. W.Va. Nov. 22, 1989).

While we still are not aware of the basis upon which the areas specified in section 3 of LB 1172 were selected as identifying particular "local safety hazard" areas, we continue to question whether these locations pose hazards unique to the overall railway system in the State of Nebraska, and, more importantly, whether such areas present hazards peculiar to the State of Nebraska which do not exist throughout the national railroad system. Indeed, given the particular locations identified in section 3 of the bill, it appears that compliance with the requirements imposed would, for all practical purposes, have statewide effect, thus producing a result wholly contrary to the purpose behind the "local safety hazard" exception to the FRSA. See National Association of Regulatory Commissioners v. Coleman, supra. In our view, the bill, either in its original form or under the amendment proposed by AM3540, simply does not address a truly "local safety hazard" issue subject to state regulation.

As to the second element of the "local safety hazard" exception, we must still question whether the bill, if amended as proposed, could be deemed compatible with existing federal regulations. While the "emergency braking" provision, noted in our previous opinion as being contrary to federal regulations, would be eliminated under AM3540, we note that, as pointed out in our discussion of the application of the LBIA, the specifications and requirements sought to be imposed under LB 1172 continue to differ from those permitted (not required) under federal regulations governing telemetry devices. In our view, a conflict with existing federal law requirements still exists under the proposed amendment to LB 1172.

Finally, the "local safety hazard" exception is not applicable if the state law places an undue burden on interstate commerce. We reiterate the admonition of the Fifth Circuit, which stated: "{I}t is difficult to imagine a state regulation of the train itself, as opposed to the right-of-way, which could escape being a burden upon commerce under Article I, Section 8, Clause 3, of the United States Constitution." Missouri Pacific Railroad v.

Railroad Comm'n of Texas, 850 F.2d 264, 268 (5th Cir. 1988), cert. denied 488 U.S. 1009 (1989). The changes to LB 1172 proposed under AM3540 do not alter our prior conclusion that imposition of the requirements contained in the bill would, if enacted, create an undue and impermissible burden on interstate commerce.

In conclusion, it is our opinion that, for the reasons stated above, the requirements sought to be imposed on the operation of trains in the State of Nebraska under LB 1172, if amended as proposed under AM3540, would be invalid and unenforceable as being preempted by federal law.

[1] As to the proposed addition of language providing that "{s}ection 4 of this act shall terminate at such time as any federal law or regulation is adopted which sets standards and operating requirements which satisfy the requirements of this section," we note that the inclusion of such language seemingly reflects a lack of understanding regarding the preemption principles articulated in our prior opinion. Where the "subject matter" addressed by a state or local rail safety requirement has been addressed by federal regulation (as is clearly the case in this instance), state or local governments are simply not free to impose additional or conflicting requirements. Where federal regulations have covered the subject matter sought to be reached by state or local rail safety enactments, the state or local safety regulations will fail unless they fall within the "local safety hazard" exception.

Very truly yours,
DON STENBERG
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

cc: Patrick O'Donnell
Clerk of the Legislature
7-346-7.12

RESOLUTIONS

LEGISLATIVE RESOLUTION 422. Introduced by R. Johnson, 34.

WHEREAS, Robert Marcotte donated a 462.5 acre tract of land located in Keya Paha County to the Nebraska Game and Parks Foundation with the intent that it be transferred to the Game and Parks Commission as a wildlife management area; and

WHEREAS, this tract contains timber and grass land and adjoins Thomas Creek Wildlife Management area to the south and east; and

WHEREAS, certain gifts of real estate are to be approved by the Governor and the Legislature before acceptance.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature approves the gift from the Nebraska Game and Parks Foundation to the Game and Parks Commission.
2. That such approval is granted by the Legislature with the understanding that the land described shall be designated and utilized as a wildlife management area.

Laid over.

LEGISLATIVE RESOLUTION 423. Introduced by Hefner, 19; Robinson, 16; Conway, 17; Wehrbein, 2; Morrissey, 1.

WHEREAS, the Missouri River is a vital component of our nation's transportation system; and

WHEREAS, products from Nebraska are shipped down the Missouri River; and

WHEREAS, more than half of the nation's grain exports are shipped on the Missouri River system; and

WHEREAS, the Missouri River is the largest tributary of the Mississippi, accounting for nearly half of the water in the Mississippi at St. Louis; and

WHEREAS, the Missouri River has provided as much as sixty-five percent of the water in the Mississippi during drought conditions; and

WHEREAS, when the flows in the Missouri and the Mississippi are low, serious blockages occur resulting in delays and tripled barge rates; and

WHEREAS, the United States Army Corps of Engineers is considering options to significantly reduce the flow of the Missouri River into the Mississippi.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature urges the United States Army Corps of Engineers to fully consider the economic impact and costs of reduced flows on the Missouri in its review of the Master Manual which guides water levels on the Missouri.
2. That the Legislature urges the corps not to reduce the flow of the Missouri into the Mississippi.
3. That a copy of this resolution be sent to Nancy Dorn, Assistant Secretary of the Army (Civil Works), Department of the Army, The Pentagon, Washington D.C. and to the Nebraska Congressional delegation.

Laid over.

MOTION - Return LB 111 to Select File

Mr. Dierks moved to return LB 111 to Select File for the Dierks-Cudaback-Lindsay specific amendment, AM3203, found in the Journal on page 1081.

The Dierks motion to return prevailed with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 111. The Dierks-Cudaback-Lindsay specific amendment, AM3203, found in the Journal on page 1081, was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

MOTION - Return LB 111 to Select File

Mr. Will moved to return LB 111 to Select File for his specific amendment, AM3680, found in the Journal on page 1641.

The Will motion to return prevailed with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 111. The Will specific amendment, AM3680, found in the Journal on page 1641, was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

MOTION - Return LB 245 to Select File

Mr. Withem moved to return LB 245 to Select File for his specific amendment, AM3815, found in the Journal on page 1746.

The Withem motion to return prevailed with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER BAACK PRESIDING

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 245. The Withem specific amendment, AM3815, found in the Journal on page 1746, was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 366 to Select File

Mr. Rogers moved to return LB 366 to Select File for his specific amendment, AM3836, on file in the Clerk's Office and referred to on page 1758.

The Rogers motion to return prevailed with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mr. Moore asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 366. The Rogers specific amendment, AM3836, on file in the Clerk's Office and referred to on page 1758, was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 366 to Select File

Mr. Rogers moved to return LB 366 to Select File for his specific amendment, AM3837, on file in the Clerk's Office and referred to on page 1757.

The Rogers motion to return prevailed with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 366. The Rogers specific amendment, AM3837, on file in the Clerk's Office and referred to on page 1757, was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 366 to Select File

Mr. Rogers moved to return LB 366 to Select File for his specific amendment, AM3838, on file in the Clerk's Office and referred to on page 1758.

The Rogers motion to return prevailed with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 366. The Rogers specific amendment, AM3838, on file in the Clerk's Office and referred to on page 1758, was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Advanced to E & R for reengrossment.

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 1006 in the Journal. No objections. So ordered.

AM3898

1. In the Wesely amendment, AM3790, strike amendments 2 and 3 and renumber the remaining amendment accordingly.

2. In the Landis amendment, AM3448:

a. On page 44, line 21, strike "and" and after the third comma insert "48-128, 48-145.04, and 48-162.02,"; and

b. On page 45, line 1, strike the first "and" and after the first comma insert "and 48-146.03,".

Mr. Elmer asked unanimous consent to print the following amendment to LB 1114 in the Journal. No objections. So ordered.

FA350

Amend AM2979

On Page 6, line 22, strike the word "Five" and insert the word "Three"

On Page 6, line 24, strike the words "Two Thousand" and insert the words "Five Hundred"

On Page 7, line 1, insert a period after the word "Source" and strike the remainder of the subsection

Strike Sec. 26, Subsection C.

RESOLUTION

LEGISLATIVE RESOLUTION 424. Introduced by Robak, 22.

WHEREAS, Nick Young and Ben Walline, two young men from Columbus, Nebraska, took the time to identify needs of their community; and

WHEREAS, these two young men chose to step forward and ask local government to address these needs; and

WHEREAS, hearing directly from our young people is an unfortunate rarity in our governmental process; and

WHEREAS, we need to do more to encourage young people to express their opinions about public policy and to participate in the forum of local, state, and federal government.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature commends Nick Young and Ben Walline for their time and effort in representing the interests of the youth community of Columbus and shows its appreciation for their willingness as young people to take the initiative and take part in the process of government.
2. That a copy of this resolution be sent to Nick Young and Ben Walline.

Laid over.

MOTION - Reconsider Action on LB 72

Mr. Hall moved to reconsider the vote to advance LB 72 to E & R Final.

Laid over.

VISITORS

Visitors to the Chamber were 57 eighth grade students and teacher from Mary Our Queen Elementary, Omaha; nine first through seventh grade students and teacher from District 65 School, Ravenna; Jamie Drickey from Spencer; 24 juniors and teacher from Elkhorn; Ron Larson and Bob Wilson from Kearney; 29 fourth grade students and teacher from Washington Elementary, Fremont; and a group from the Nebraska Federation of Women's Clubs.

RECESS

At 12:05 p.m., on a motion by Mr. Lamb, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Baack presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Beutler, Byars, Haberman, Hall, Landis, Robinson, Schellpeper, Schmit, Warner, Wesely, Mmes. Labedz, Pirsch, Robak, and Ms. Schimek who were excused until they arrive.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 988. Placed on Select File as amended.
E & R amendment to LB 988:
AM5286

1. On page 1, line 8, after "Committee" insert "and the Appropriations and Expenditures Review Act of 1977"; and in line 11 after the semicolon insert "and".

2. On page 6, line 4, strike "the".

3. On page 10, line 8, after "the" insert "unit".

4. On page 17, line 20, strike "committee final" and insert "final committee".

LEGISLATIVE BILL 447A. Placed on Select File as amended.
E & R amendment to LB 447A:
AM5287

1. In the Bernard-Stevens amendment, AM3756,

on page 1, line 4, strike "in" and insert "for".

2. On page 1, line 4, after "1992" insert "; and to reduce an appropriation".

LEGISLATIVE BILL 556A. Placed on Select File.
LEGISLATIVE BILL 1241A. Placed on Select File.
LEGISLATIVE BILL 529A. Placed on Select File.

(Signed) Eric Will, Chairperson

UNANIMOUS CONSENT - Member Excused

Mr. Cudaback asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 1022. Mr. Moore renewed his pending amendment, AM3749, found in the Journal on page 1660.

PRESIDENT MOUL PRESIDING

Messrs. Hefner and L. Johnson asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Moore moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

The Moore amendment was adopted with 26 ayes, 0 nays, 7 present and not voting, and 16 excused and not voting.

The Chair declared the call raised.

Mrs. Hillman, Messrs. Beyer, and Lindsay asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Lynch renewed his pending amendment, AM3789, found in the Journal on page 1740.

Mr. Lynch moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

The Lynch amendment was adopted with 25 ayes, 0 nays, 6 present and not voting, and 18 excused and not voting.

The Chair declared the call raised.

Messrs. Wickersham and Coordsen asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Moore renewed his pending amendment, AM3794, found in the Journal on page 1759.

The Moore amendment was adopted with 25 ayes, 0 nays, 5 present and not voting, and 19 excused and not voting.

Mr. Lamb asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Moore offered the following Wesely-Moore-Hall amendment:
AM3894

1. Insert the following new section:

"Sec. 7. There is hereby appropriated $75,000 from the General Fund for FY1992-93 to the Legislative Council, for Program 122, to carry out the provisions of Legislative Resolution 393, Ninety-second legislature, Second Session, 1992, which calls for a study of medicaid and health care costs.

The State Treasurer shall transfer $75,000 from the Department of Insurance Cash Fund to the General Fund on or before June 30, 1992.".

2. Renumber the remaining sections accordingly.

The Wesely-Moore-Hall amendment was adopted with 26 ayes, 0 nays, 6 present and not voting, and 17 excused and not voting.

Mr. Lynch offered the following amendment:
AM3897

(Amendments to AM3186)

1. Strike amendment 25. a.

2. Reletter remaining amendments accordingly.

Messrs. Morrissey and Wesely asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Lynch withdrew his pending amendment.

Mr. Ashford offered the following amendment:
AM3855

1. a. On page 25, line 25, strike "262,576" and insert "237,576".

b. On page 26, line 3, strike "4,407,374" and insert "4,402,374"; and in line 6 strike "4,391,436" and insert "4,341,436".

2. In AM3186:

a. Strike amendment 36.

b. On page 19, line 18, strike "20,011,635" and insert "20,131,635"; and in line 21 strike "20,348,835" and insert "20,468,835".

c. On page 21, after line 1 insert:

"There is included in the appropriation to this program for the 1991-93 biennium $770,000 General Funds, including $120,000 General Funds for FY1992-93, to pay local data processing expenses prior to the installation of the county court automation project."; in line 16 strike "20,608,946" and insert "20,728,946"; and in line 21 strike "21,198,457" and insert "21,318,457".

Mr. Ashford withdrew his pending amendment.

Messrs. Lynch and Schrock offered the following amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM3890.)

Messrs. Lynch and Schrock withdrew their pending amendment.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1268. E & R amendment, AM5277, found in the Journal on page 1524, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1292. E & R amendment, AM5279, found in the Journal on page 1527, was adopted.

Advanced to E & R for engrossment.

GENERAL FILE

LEGISLATIVE BILL 145. Mr. Bernard-Stevens withdrew his pending motion, found in the Journal on page 1689, to indefinitely postpone.

Mrs. Robak, Messrs. Abboud, and Withem asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Bernard-Stevens reoffered his amendment, AM2819, found in the Journal on page 750.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Moore moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Bernard-Stevens moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Bernard-Stevens requested a roll call vote on his amendment.

Voting in the affirmative, 9:

Baack
Bernard-Stevens
Bohlke
Hartnett
Horgan
Kristensen
Schellpeper
Will
Withem

Voting in the negative, 27:

Ashford
Beutler
Beyer
Byars
Chambers
Conway
Coordsen
Elmer
Haberman
Hall
Hefner
Hillman
Johnson, L.
Lamb
Lindsay
Moore
Nelson
Pirsch
Robinson
Rogers
Schimek
Schmit
Schrock
Warner
Wehrbein
Wesely
Wickersham

Present and not voting, 8:

Chizek
Crosby
Cudaback
Dierks
Lynch
Morrissey
Peterson
Rasmussen

Absent and not voting, 1:

Landis

Excused and not voting, 4:

Abboud
Johnson, R.
Labedz
Robak

The Bernard-Stevens amendment lost with 9 ayes, 27 nays, 8 present and not voting, 1 absent and not voting, and 4 excused and not voting.

The Chair declared the call raised.

SPEAKER BAACK PRESIDING

Mr. Wickersham offered the following amendment:
AM3880

1. On page 3, line 3, after the semicolon insert "and"; and strike beginning with "and" in line 5 through line 7.

The Wickersham amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Messrs. Schmit and Moore asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Wesely moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Bernard-Stevens requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 19:

Baack
Bernard-Stevens
Beutler
Chambers
Chizek
Conway
Dierks
Hall
Hillman
Labedz
Landis
Lindsay
Lynch
Morrissey
Rasmussen
Rogers
Schimek
Wesely
Will

Voting in the negative, 27:

Abboud
Ashford
Beyer
Bohlke
Byars
Coordsen
Cudaback
Elmer
Haberman
Hartnett
Hefner
Horgan
Johnson, L.
Johnson, R.
Kristensen
Lamb
Moore
Nelson
Peterson
Pirsch
Robinson
Schellpeper
Schrock
Warner
Wehrbein
Wickersham
Withem

Present and not voting, 1:

Crosby

Excused and not voting, 2:

Robak	Schmit

Failed to advance to E & R for review with 19 ayes, 27 nays, 1 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

MOTION - Reconsider Action on LB 1061

Mr. Chizek moved to reconsider Abboud amendment, AM3518, to LB 1061.

Laid over.

ATTORNEY GENERAL'S OPINION

Opinion No. 92054

DATE:	April 1, 1992
SUBJECT:	LB 1241; Constitutionality of a proposed procedure whereby the Executive Board of the Legislative Council would approve completion of certain construction projects after funds for those projects were appropriated.
REQUESTED BY:	Senator Ron Withem Nebraska State Legislature
WRITTEN BY:	Don Stenberg, Attorney General Dale A. Comer, Assistant Attorney General

LB 1241 is a bill which, among other things, would change the responsibilities and powers of the various divisions within the Department of Administrative Services with respect to the purchase, lease and disposition of real and personal property for state agencies. The intention of the bill is apparently to centralize and coordinate the real property resources owned and leased by the State.

Section 1(2) of LB 1241 appropriates various sums to renovate the Stone Office Building at the Norfolk Regional Center. You are concerned with certain proposed amendments to Section 1(2). Specifically, you are concerned with that portion of AM3692 which would add the following language to Section 1(2) of LB 1241:

> The State Building Administrator shall report to the Executive Board of the Legislative Council a detailed analysis of the estimated cost to provide safe and comfortable office space in the Stone Office Building that conforms to applicable building and fire codes on or before July 1, 1992. If the cost exceeds the appropriation provided in this section, the executive board shall determine whether or not the project should be completed.

You have posed a number of questions concerning the propriety of this amendatory language. We will consider your various questions in a somewhat different order than they were presented.

You ask whether the portion of AM3692 quoted above, "...constitutes an unconstitutional distribution of power in violation of Article II, Section 1 {the Separation of Powers Clause}, of the Nebraska Constitution." We believe there are constitutional difficulties with the language in question.

We have previously considered the propriety of legislative bills which proposed procedures similar to those set out in AM3692. For example, in Opinion of the Attorney General No. 87114, December 9, 1987, we considered a proposed procedure for distribution of the Nebraska Energy Settlement Fund whereby the Governor developed a plan for disbursement of the energy overcharge monies in the Fund and submitted that plan to the Legislature. The Appropriations Committee of the Legislature then conducted hearings on the plan and considered appropriations to carry out the Governor's proposal. No monies could be spent from the Fund without an appropriation based upon legislative approval of the Governor's plan.

In Opinion No. 87114, we concluded that the proposed disbursement procedure violated Article II, Section 1 of the Nebraska Constitution because it involved the Legislature in the functions of the Executive Branch of government. We stated:

> The Legislature is, in essence, requiring legislative approval before expenditure of the funds. The fact that the bill is written in terms of legislative approval for the appropriation does not alter the clear intent of the act requiring legislative approval for the expenditure. The Legislature is in effect attempting to both make the law and administer it; appropriate money, and spend it. This is a violation of the separation of powers article of the Constitution of the State of Nebraska.

Opinion No. 87114 at 3.

Similarly, in 1963, we considered a bill which would have provided that no expenditure of funds for the construction of state buildings could be made from the state institutional building fund without prior authorization of the Legislature. Report of the Attorney General 1963-1964, No. 22 at 37. In that opinion, we again concluded that such strictures upon executive agencies involved the Legislature in encroachment upon the Executive power, and violated the Separation of Powers doctrine. We stated:

> It is our conclusion that, while the Legislature has exclusive control over appropriations and the granting of the power to take title to real estate, it must exercise this control when it passes the bills in which it limits or restricts, or permits the action of the executive agency involved. It may not retain control over the expenditure or use of the power by requiring approval of the Legislature or any committee of the Legislature subsequent to the passage of the law in which the appropriation or power is given. To do so is to invade the executive functions in such a manner as to violate Article II of the Nebraska Constitution requiring the separation of powers of government.

Id. at 39.

It seems to us that the approval process contemplated by the portion of AM3692 at issue is quite similar to the situations discussed in the opinions cited above. AM3692 would appropriate money for renovation of the Stone Office Building. However, after the appropriation, the Executive Board of the Legislative Council would still retain some control over completion of the project. In our view, this continued control impermissibly involves the Legislature in functions of the Executive branch of government. Any decision as to whether the renovation project should be completed if its costs overrun the appropriation should be left to the executive agency involved, since the determination if other funds are available or if there are other means to complete the project is really an executive function. Therefore, we believe this portion of AM3692 is of suspect constitutionality.

You also ask whether the portion of AM3692 giving review authority to the Executive Board of the Legislative Council constitutes some form of improper delegation of legislative authority. In previous opinions, we have indicated that the Legislative Council and its Executive Board are creatures of the Legislature which are not separate and distinct from it, but merely part of the Legislature itself. Opinion of the Attorney General No. 49, March 6, 1981; Opinion of the Attorney General No. 50, March 13, 1981. As a result, we believe that those bodies can perform investigatory and other functions for the Legislature so long as they do not perform duties specifically required of the Legislature itself in the Nebraska Constitution. In that light, we do not believe there is a delegation problem with the language in AM3692.

Finally, you ask whether "Amendment 3692 is a violation of any other provisions in law." We would respond to that general question in a broader sense with respect to LB 1241 in its entirety.

In previous opinions, we have indicated that substantive legislative provisions should not be included in the same bill along with appropriation legislation. Opinion of the Attorney General No. 91020, March 25, 1991; Opinion of the Attorney General No. 24, February 13, 1981; Opinion of the Attorney General No. 289, May 14, 1980; Report of the Attorney General 1977-1978, No. 241 at 368 and No. 75 at 112; Report of the Attorney General 1975-1976, No. 201 at 281. This position is based upon the constitutional provisions relating to appropriations bills which indicate that they should be restricted to making appropriations only, and should not enact substantive legislation.

LB 1241 contains several appropriations provisions for renovation of the Stone Office Building and for other purposes. It also contains considerable substantive legislation dealing with the administration of the real property owned by the State. For the reasons set out in our various opinions cited above, we believe that LB 1241 impermissibly joins appropriation and substantive legislation in the same bill.

Sincerely yours,
(Signed) Dale A. Comer
Assistant Attorney General

cc: Pat O'Donnell
Clerk of the Legislature

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 1184 in the Journal. No objections. So ordered.

AM3903

(Amendments to E & R amendments, AM5283)

1. Insert the following new section:

"Sec. 11. That section 43-292, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-292. The court may terminate all parental rights between the parents or the mother of a juvenile born out of wedlock and such juvenile when the court finds such action to be in the best interests of the juvenile and it appears by the evidence that one or more of the following conditions exist:

(1) The parents have abandoned the juvenile for six months or more immediately prior to the filing of the petition;

(2) The parents have substantially and continuously or repeatedly neglected the juvenile and refused to give the juvenile necessary parental care and protection;

(3) The parents, being financially able, have willfully neglected to provide the juvenile with the

necessary subsistence, education, or other care necessary for his or her health, morals, or welfare or have neglected to pay for such subsistence, education, or other care when legal custody of the juvenile is lodged with others and such payment ordered by the court;

(4) The parents are unfit by reason of debauchery, habitual use of intoxicating liquor or narcotic drugs, or repeated lewd and lascivious behavior, which conduct is found by the court to be seriously detrimental to the health, morals, or well-being of the juvenile;

(5) The parents are unable to discharge parental responsibilities because of mental illness or mental deficiency and there are reasonable grounds to believe that such condition will continue for a prolonged indeterminate period; ~~or~~

(6) Following a determination that the juvenile is one as described in subdivision (3)(a) of section 43-247, reasonable efforts, under the direction of the court, have failed to correct the conditions leading to the determination; or

(7) The juvenile has been in an out-of-home placement for eighteen or more consecutive months and the parents have failed to correct the conditions leading to the juvenile's out-of-home placement in spite of reasonable efforts and services to the parents ordered by the court or offered by the Department of Social Services or other designated agency.

In order to determine whether or not to seek termination of the parent-juvenile relationship pursuant to subdivision (7) of this section, the county attorney who filed the petition to place the juvenile in an out-of-home placement shall review the case of the juvenile when the juvenile has been in such out-of-home placement for eighteen consecutive months. The review shall occur no later than thirty days after the last day of such eighteen-month period. Nothing contained in this subdivision shall prevent the filing of an action pursuant to subdivision (6) of this section.

The Department of Social Services shall submit on a timely basis to the county attorney who filed the petition to place the juvenile in an out-of-home placement a list of the name of each such juvenile who has been in an out-of-home placement for eighteen or more consecutive months.

When termination of the parent-juvenile relationship is sought under subdivision (5) of this section, the court shall appoint a guardian ad litem for the alleged incompetent parent. The court may, in any other case, appoint a guardian ad litem, as may be deemed necessary or desirable, for any party. The guardian ad litem shall be paid a reasonable fee set by the court and paid from the general fund of the county.".

2. On page 21, line 6, after the second comma insert "43-292,".

3. Renumber the remaining sections accordingly.

Messrs. Warner and Withem asked unanimous consent to print the following amendment to LB 719A in the Journal. No objections. So ordered.

AM3914

1. Insert the following new section:

"Sec. 172. That section 77-2734.03, Reissue Revised Statutes of Nebraska, 1943, as amended by section 184, Legislative Bill 1063, Ninety-second Legislature, Second Session, 1992, be amended to read as follows:

77-2734.03. (1) Any (a) insurer paying a tax on premiums ~~and assessments~~ pursuant to section 77-908 or 81-523, (b) electric cooperative organized under the Joint Public Power Authority Act, or (c) credit union shall be credited, in the computation of the tax due under the Nebraska Revenue Act of 1967, with the amount paid during the taxable year as taxes on premiums ~~and assessments~~ and taxes in lieu of intangible tax.

(2) There shall be allowed to corporate taxpayers a credit for nonhighway use motor vehicle fuels as provided in section 66-4,124.

(3) There shall be allowed to corporate taxpayers a renewable energy source systems credit or a builder's credit as provided in sections 66-1048 and 66-1050.

(4) There shall be allowed to corporate taxpayers a tax credit for contributions to community betterment programs as provided in the Community Development Assistance Act.".

Mr. Baack asked unanimous consent to print the following amendment to LB 719 in the Journal. No objections. So ordered.

AM3905

(Amendments to AM3762)

1. Insert the following new sections:

"Sec. 2. That section 79-3407, Revised Statutes Supplement, 1991, be amended to read as follows:

79-3407. (1) Except as provided in section 79-3409, the school board or board of education of the option school district shall adopt by resolution specific standards for acceptance and rejection of applications. Standards may include the capacity of a program, class, grade level, or school building or the availability of appropriate special education programs operated by the option district. Capacity shall be determined by setting a maximum number of option students that a district will accept in any program, class, grade level, or school building, based upon available staff, facilities, projected enrollment of resident students, projected number of students with which the option district will contract based on existing contractual arrangements, and availability of appropriate special education programs. The school board or board of education of the option school district may by resolution declare a program, a class, or a school unavailable to option students due to lack of capacity. Standards shall not include previous academic achievement, athletic or other extracurricular ability, handicapping conditions, proficiency in the English language, or previous disciplinary proceedings.

(2) A school district that has a desegregation plan adopted by the school board or the board of education or ordered by the federal court may limit the number of students who transfer into or out of the school district. The school board or board of education of such school district shall adopt specific standards for acceptance and rejection of applications for transfer into or out of such district. Standards shall be designed to facilitate the school district's desegregation plan and maintain or improve the integration of the school district.

(3) Any option school district shall give

first priority for enrollment to option students whose request for enrollment would aid the racial integration of the option school district and the resident school district and to siblings of option students, except that the option school district shall not be required to accept the sibling of an option student if the district is at capacity except as provided in subsection (2) of section 79-3409.

(4) For purposes of this section, racial integration is aided if a student transfers to an option school district in which his or her race is a smaller percentage of the total student enrollment of the option school district than it is of the student's resident school district.

Sec. 3. That section 79-3409, Revised Statutes Supplement, 1991, be amended to read as follows:

79-3409. (1) Upon agreement of the school boards or boards of education of the resident school district and the option school district, the deadlines for application and approval or rejection prescribed in sections 79-3406 and 79-3408 may be waived.

(2) The application of a student who relocates in a different school district but wants to continue attending his or her original resident school district and who has been enrolled in his or her original resident school district for the immediately preceding two years and the application of any sibling of any such student to attend kindergarten or first grade in such original resident school district shall be automatically accepted, and the deadlines prescribed in sections 79-3406 and 79-3408 shall be waived.

(3) The application of an option student who relocates in a different school district but wants to continue attending the option school district shall be automatically accepted, and the deadlines prescribed in sections 79-3406 and 79-3408 shall be waived.".

2. On page 10, line 19, after the comma insert "79-3407, 79-3409,".

3. Renumber the remaining sections accordingly.

Mr. Withem asked unanimous consent to print the following amendment to LB 245A in the Journal. No objections. So ordered.

AM3893

(Amendments to Final Reading copy)

1. On page 2, in lines 3, 11 and 12, and 20 and 21 strike "Legislative Council, for Program 126" and insert "State Department of Education, for Program 440".

Mr. Haberman asked unanimous consent to print the following amendment to LB 1061 in the Journal. No objections. So ordered.

AM3883

1. Insert the following new section:

"Section 1. (1) There is hereby imposed a fee of one dollar upon the sale or use in this state of zoo admissions. The fee shall be paid by the purchaser of the zoo admission.

(2) The fee imposed by this section shall be collected by the seller and remitted to the Department of Revenue for credit to the Racetrack Assistance Fund. The fee shall be imposed upon each zoo admission sold or used and shall be due monthly based on the number of zoo admissions sold or used during the preceding month. Payment of the fee shall be accompanied by a report setting forth the number of zoo admissions sold by the seller during the preceding month. The report shall be on a form prescribed by the department and shall include such other information as the Tax Commissioner deems necessary. The provisions of the Nebraska Revenue Act of 1967 applicable to sales and use taxes shall apply to the imposition of the fee.

(3) The Tax Commissioner shall adopt and promulgate rules and regulations to carry out this section.

(4) The Racetrack Assistance Fund is hereby created. Any money in the fund shall be appropriated by the Legislature for assistance and aid to racetracks located in counties having a population of more than three hundred thousand inhabitants. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.".

2. Renumber the remaining sections accordingly.

Mr. Haberman asked unanimous consent to print the following amendment to LB 1061 in the Journal. No objections. So ordered.

AM3885

1. Insert the following new section:

"Section 1. (1) There is hereby imposed a fee of one dollar upon the sale or use in this state of tickets to college or professional basketball games. The fee shall be paid by the purchaser of the ticket.

(2) The fee imposed by this section shall be collected by the seller and remitted to the Department of Revenue for credit to the Racetrack Assistance Fund. The fee shall be imposed upon each ticket to a college or professional basketball game sold or used and shall be due monthly based on the number of tickets sold or used during the preceding month. Payment of the fee shall be accompanied by a report setting forth the number of tickets sold by the seller during the preceding month. The report shall be on a form prescribed by the department and shall include such other information as the Tax Commissioner deems necessary. The provisions of the Nebraska Revenue Act of 1967 applicable to sales and use taxes shall apply to the imposition of the fee.

(3) The Tax Commissioner shall adopt and promulgate rules and regulations to carry out this section.

(4) The Racetrack Assistance Fund is hereby created. Any money in the fund shall be appropriated by the Legislature for assistance and aid to racetracks located in counties having a population of more than three hundred thousand inhabitants. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.".

2. Renumber the remaining sections accordingly.

Mr. Haberman asked unanimous consent to print the following amendment to LB 1061 in the Journal. No objections. So ordered.

AM3906

1. Insert the following new section:

"Section 1. (1) There is hereby imposed a fee of one dollar upon the sale or use in this state of University of Nebraska at Omaha football tickets. The fee shall be paid by the purchaser of the football tickets.

(2) The fee imposed by this section shall be collected by the seller and remitted to the Department of Revenue for credit to the Racetrack Assistance Fund. The fee shall be imposed upon each University of Nebraska at Omaha football ticket sold or used and shall be due monthly based on the number of tickets sold or used during the preceding month. Payment of the fee shall be accompanied by a report setting forth the number of tickets sold by the seller during the preceding month. The report shall be on a form prescribed by the department and shall include such other information as the Tax Commissioner deems necessary. The provisions of the Nebraska Revenue Act of 1967 applicable to sales and use taxes shall apply to the imposition of the fee.

(3) The Tax Commissioner shall adopt and promulgate rules and regulations to carry out this section.

(4) The Racetrack Assistance Fund is hereby created. Any money in the fund shall be appropriated by the Legislature for assistance and aid to racetracks located in counties having a population of more than three hundred thousand inhabitants. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.".

2. Renumber the remaining sections accordingly.

Mr. Haberman asked unanimous consent to print the following amendment to LB 1061 in the Journal. No objections. So ordered.

AM3907

1. Insert the following new section:

"Section 1. (1) There is hereby imposed a fee of one dollar upon the sale or use in this state of tickets to college or professional baseball games held within a city of the metropolitan class. The fee shall be paid by the purchaser of the ticket.

(2) The fee imposed by this section shall be collected by the seller and remitted to the Department of Revenue for credit to the Racetrack Assistance Fund. The fee shall be imposed upon each ticket to a college or professional baseball game held within a city of the

metropolitan class sold or used and shall be due monthly based on the number of tickets sold or used during the preceding month. Payment of the fee shall be accompanied by a report setting forth the number of tickets sold by the seller during the preceding month. The report shall be on a form prescribed by the department and shall include such other information as the Tax Commissioner deems necessary. The provisions of the Nebraska Revenue Act of 1967 applicable to sales and use taxes shall apply to the imposition of the fee.

(3) The Tax Commissioner shall adopt and promulgate rules and regulations to carry out this section.

(4) The Racetrack Assistance Fund is hereby created. Any money in the fund shall be appropriated by the Legislature for assistance and aid to racetracks located in counties having a population of more than three hundred thousand inhabitants. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.".

2. Renumber the remaining sections accordingly.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LR 417 and LR 418.

GENERAL FILE

LEGISLATIVE BILL 1135. Title read. Considered.

Standing Committee amendment, AM3000, found in the Journal on page 925, was considered.

Messrs. Lindsay and Coordsen asked unanimous consent to be excused until they return. No objections. So ordered.

Messrs. Hall and Conway renewed their pending amendment, AM3515, found in the Journal on page 1435, to the Standing Committee amendment.

Mr. Ashford asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Robak moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Hall-Conway amendment was adopted with 16 ayes, 2 nays, 28 present and not voting, and 3 excused and not voting.

Mr. Hall renewed his pending amendment, AM3625, found in the Journal on page 1708, to the Standing Committee amendment.

The Hall amendment was adopted with 15 ayes, 0 nays, 31 present and not voting, and 3 excused and not voting.

Mr. Rogers asked unanimous consent to be excused until he returns. No objections. So ordered.

PRESIDENT MOUL PRESIDING

Mr. Landis asked unanimous consent to be excused. No objections. So ordered.

Mr. Hall moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

The Standing Committee amendment, as amended, was adopted with 26 ayes, 1 nay, 17 present and not voting, and 5 excused and not voting.

Pending.

The Chair declared the call raised.

UNANIMOUS CONSENT - Print in Journal

Mr. Withem asked unanimous consent to print the following amendment to LB 1241 in the Journal. No objections. So ordered.

FA351

Amend LB 1241 by striking subsection 2 & 3 of Section 1.

Mrs. Crosby asked unanimous consent to print the following amendment to LB 719A in the Journal. No objections. So ordered.

AM3908

(Amendments to AM3798)

1. Insert the following new sections:

"Sec. 172. That section 77-2716.02, Revised Statutes Supplement, 1991, be amended to read as follows:

77-2716.02. (1) For tax year 1991, there is hereby imposed on all taxpayers, in addition to the tax imposed by sections 77-2714 to 77-27,123, a surcharge of two percent of all depreciation deducted by a person subject to the Nebraska Revenue Act of 1967. The surcharge imposed by this section shall be reported on a form prescribed by the Department of Revenue and shall be due and payable at the time the income tax return required by sections 77-2714 to 77-27,123 is due. No credits against the payment of any tax shall be allowed as a credit against the surcharge imposed by this section.

(2) For purposes of this section, depreciation shall mean any deduction for cost recovery allowable under section 167, 168, 169, or 179 of the Internal Revenue Code of 1986, as amended, on tangible property used in a trade or business or tangible property held for the production of income, other than motor vehicles, semitrailers, trailers, and truck-tractors required to be registered under sections 60-301 to 60-347, except that for a financial institution subject to the tax imposed by section 77-3802, depreciation shall mean any reduction in net financial income for cost recovery on tangible property used in a trade or business or tangible property held for the production of income, other than motor vehicles, semitrailers, trailers, and truck-tractors required to be registered under sections 60-301 to 60-347, that is comparable to amounts allowable under section 167, 168, 169, or 179 of the Internal Revenue Code of 1986, as amended.

(3) The following special rules shall be used in calculating the surcharge on depreciation:

(a) Each beneficiary shall include in his or her depreciation for purposes of computing the surcharge his or her proportionate share of the estate's or trust's depreciation;

(b) Each partner shall include in his or her depreciation for purposes of computing the surcharge his or her proportionate share of the partnership's depreciation;

(c) Each shareholder in a small business corporation shall include in his or her depreciation for purposes of computing the surcharge his or her proportionate share of the corporation's depreciation from the conduct of a business, trade, profession, or occupation within this state determined under subsection (2) of section 77-2734.01;

(d) For a corporate taxpayer that is subject to tax in another state, the surcharge shall be based on the depreciation connected with the taxpayer's operations in this state as determined through the use of the property factor contained in section 77-2734.12; and

(e) For a financial institution subject to the tax imposed by section 77-3802, the surcharge shall be based on the depreciation connected with the financial institution's operation in this state as determined through the use of the property factor contained in section 77-2734.12.

(4) For purposes of administering the surcharge imposed pursuant to this section, statutory provisions relating to the income tax shall apply, including provisions relating to interest, penalties, and estimated payments.

(5) In addition to the surcharge imposed by subsection (1) of this section, there is hereby imposed a surcharge of two percent of all depreciation of railroad operating property as described in section 77-602, the property of public service entities as defined in section 77-801.01, and the property of air carriers as defined in section 77-1244. The surcharge imposed by this subsection shall be levied and collected in the same manner as the surcharge imposed by subsection (1) of this section.

(6) The department shall adopt and promulgate rules and regulations to carry out this section.

Sec. 216. That original section 77-2716.02, Revised Statutes Supplement, 1991, is repealed.".

2. On page 269, line 16, before "Sections" insert "Sections 172 and 216 of this act shall be operative for all taxable years beginning or deemed to begin on January 1, 1991, under the Internal Revenue Code of 1986, as amended.".

3. Renumber remaining section accordingly.

Mr. Wickersham asked unanimous consent to print the following amendment to LB 719 in the Journal. No objections. So ordered.

AM3891

1. Insert the following new sections:

"Section 1. That section 79-402.20, Revised Statutes Supplement, 1991, be amended to read as follows:

79-402.20. (1) Any Class I district which is part of a Class VI district or districts or any Class I district or portion thereof which is affiliated or affiliated in part and also part of a Class VI district or districts and which (a) becomes subject to dissolution pursuant to section 79-420, 79-486, or 79-603 or (b) otherwise dissolves, unless otherwise prescribed in the affiliation petition, shall be merged with another affiliated Class I district, be merged with a Class II, III, IV, or V district, or be merged with a Class I district which is part of a Class VI district or districts. Any such district or portion thereof which fails to comply with this subsection shall be subject to the provisions of sections 79-402.17 to 79-402.19 and shall be dissolved and attached to an existing Class II, III, IV, or V district. Any such district or portion thereof which was affiliated shall retain its original affiliation, and any portion of such district which was part of a Class VI district shall remain part of such Class VI district. After July 1, 1993, any school district which fails to comply with the provisions of subsection (1) of section 79-426.28 shall be dissolved by the county superintendent and attached to an existing Class II, III, IV, or V district. ~~After July 1, 1993, an affiliated Class I district which becomes subject to dissolution pursuant to section 79-420 or 79-603 may merge with an existing affiliated Class I district. Any such Class I district which merges with another affiliated district pursuant to this section shall continue its affiliation with the high school district with which it was affiliated prior to its becoming subject to section 79-420 or 79-603. If such Class I district chooses not to merge with any affiliated district, the county superintendent shall, before the next school year, dissolve and attach the property of such Class I district to the district or districts with which such Class I district was affiliated prior to~~

~~becoming subject to section 79-420 or 79-603.~~

(2) A Class II, III, IV, or V district which becomes a Class I district pursuant to section 79-701 or any other state law shall merge with a Class II, III, IV, or V district, affiliate with one or more Class II, III, IV, or V districts, become part of ~~a~~ one or more Class VI ~~district~~ districts, or affiliate in part with one or more Class II, III, IV, or V districts and in part become part of ~~a~~ one or more Class VI ~~district~~ districts. ~~not later than the school year immediately following the school year when such district becomes a Class I district or becomes subject to sections 79-402.17 to 79-402.19.~~

~~(2) After July 1, 1993, if an affiliated Class I district dissolves, unless otherwise stated in the affiliation petition, the Class I district may, in whole or in part, be merged with any Class I, II, III, IV, or V district. Any portion of such Class I district merging with a Class I district that is not part of a Class VI district shall retain its original affiliation. Any portion of such Class I district merging with a Class I district that is part of a Class VI district shall become part of such Class VI district.~~

(3) After July 1, 1993, if an affiliated Class II, III, IV, or V district dissolves, unless otherwise stated in the affiliation petition, any portions of a Class I district that are affiliated with such district may affiliate with another Class II, III, IV, or V district, merge with any Class I, II, III, IV, or V district, or become part of a Class VI district.

(4) After July 1, 1993, if a Class VI district dissolves, any Class I district or portions thereof which are part of such district may affiliate with a Class II, III, IV, or V district, merge with any Class I, II, III, IV, or V district, or become part of another Class VI district.

Sec. 2. That original section 79-402.20, Revised Statutes Supplement, 1991, is repealed.".

2. Renumber the remaining sections accordingly.

Mr. Bernard-Stevens asked unanimous consent to print the following amendment to LB 78 in the Journal. No objections. So ordered.

AM3904

1. Strike the original sections and all amendments thereto and insert the following new section:

"Section 1. (1) The Legislature hereby finds and declares that:

(a) Abortion is a serious, emotionally charged, divisive issue in the United States and in Nebraska;

(b) All Nebraskans are concerned with the physical and emotional well-being of the people of this state;

(c) A twenty-four-hour waiting period and a requirement that a woman receive information regarding fetal development are both viable topics of debate; and

(d) The United States Supreme Court in 1983 in City of Akron v. Akron Center for Reproductive Health, 462 U.S. 416, found the twenty-four-hour waiting period and the requirement that a woman receive information regarding fetal development were unconstitutional.

(2) It is the intent of the Legislature that if the United States Supreme Court reverses the decision prescribed in subdivision (1)(d) of this section, the Legislature should revisit the issues of a twenty-four-hour waiting period and the requirement that a woman receive information regarding fetal development. The members of the Legislature on both sides of the abortion issue should diligently work together to find the best possible solution for all citizens of Nebraska.".

Mr. Wesely asked unanimous consent to print the following amendment to LB 835 in the Journal. No objections. So ordered.

AM3876

1. Insert the following new sections:

"Section 1. That section 44-4216, Revised Statutes Supplement, 1990, be amended to read as follows:

44-4216. There is hereby created a nonprofit entity to be known as the Comprehensive Health Insurance Pool. All insurers authorized to issue or provide health insurance in this state ~~on or after September 6, 1985,~~ shall be members of the pool. The pool shall be managed by a board of directors composed of ~~nine~~ eleven directors. The board shall at all times, to the extent possible, include at least two representatives of domestic insurance companies, one representative of a health maintenance organization, one representative of a health agency which is involved in advocating for persons with special health care needs, two representatives of persons covered by the pool, and one representative of the general public. The director shall adopt and promulgate rules and regulations to establish eligibility and selection criteria ~~for the representative of the general public and~~ for the representative of the health agency, for the representatives of persons covered by the pool, and for the representative of the general public.

Sec. 2. That section 44-4217, Revised Statutes Supplement, 1990, be amended to read as follows:

44-4217. ~~The director shall, prior to November 15, 1985, give notice to all insurers of the time and place for the initial organizational meetings of the pool.~~ The ~~pool~~ members shall select ~~by December 31, 1985,~~ the ~~initial~~ board ~~of directors~~ except the ~~representative of the general public and the~~ representative of the health agency, the representatives of the persons covered by the pool, and the representative of the general public who shall be appointed by the director. The board shall select one or more insurers to serve as administering insurer pursuant to section 44-4223. The selection of the board ~~of directors~~ and the administering insurer shall be subject to the approval of the director.

~~If, by December 31, 1985, the board is not selected, the director shall appoint the initial board and appoint an administering insurer.~~

Sec. 3. That section 44-4227, Revised Statutes Supplement, 1991, be amended to read as follows:

44-4227. Premium rates charged for pool coverage may not be unreasonable in relation to the benefits provided, the risk experience, and the reasonable expenses of providing the coverage. Rates shall directly relate to the coverage provided, risk experience, and expenses of providing the coverage. Rates and rate schedules may be adjusted for appropriate risk factors such as age, sex, and area variation in claim costs in accordance with established actuarial and underwriting practices.

The pool shall contract with an independent actuary who shall determine the standard risk rate by calculating the average individual rate charged by the five insurers writing the largest amount of individual health insurance coverage in the state actuarially adjusted to be comparable with the pool coverage. In the event five insurers do not offer comparable coverage, the standard risk rate shall be established using reasonable actuarial techniques and shall reflect anticipated risk experience and expenses for such coverage. The annual premium rate established for pool coverage shall be one hundred thirty-five percent of rates established as applicable for individual standard risks. ~~Commencing with calendar year 1990, the~~ The board shall not adjust or increase pool rates more than one time during any calendar year. All rates and rate schedules shall be submitted to the director for approval. The director shall hold a public hearing pursuant to the Administrative Procedure Act prior to approving an adjustment to or increase in pool rates.

Sec. 6. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. In the Abboud-Lindsay amendment, AM3463, on page 2, line 23, strike "is" and insert "sections 44-4216 and 44-4217, Revised Statutes Supplement, 1990, and section 44-4227, Revised Statutes Supplement, 1991, are".

3. Renumber the remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 1135. Considered.

Mr. Will asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Byars offered the following amendment:
AM3817

1. On page 5, line 24, after the period insert paragraphing and "(3)".

2. On page 6, line 7, after the period insert "Prior to making such allocation, the county treasurer shall determine the amount collected pursuant to this

section which exceeds the total motor vehicle tax collected by the county for 1991 and shall set aside such amount in a special fund. The special fund shall be used only for purposes of refunds of personal property tax to centrally assessed companies pursuant to section 77-1736.06. When all such refunds have been made, the county treasurer shall allocate the amount as otherwise provided in this section.".

Mr. Withem asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hall requested a ruling of the Chair on whether the Byars amendment is germane to the bill.

The Chair ruled the Byars amendment is germane to the bill.

Mr. Lindsay moved to bracket LB 1135 until April 16, 1992.

Messrs. R. Johnson and Bernard-Stevens asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Schellpeper moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Lindsay moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 19 not voting.

Mr. Lindsay requested a roll call vote on his motion to bracket.

Voting in the affirmative, 20:

Beyer
Bohlke
Chambers
Coordsen
Hillman
Horgan
Labedz
Lamb
Lindsay
Morrissey
Peterson
Robak
Robinson
Schellpeper
Schimek
Schmit
Schrock
Wehrbein
Wesely
Will

Voting in the negative, 20:

Abboud
Baack
Beutler
Byars
Chizek
Conway
Crosby
Cudaback
Elmer
Haberman
Hall
Hartnett
Hefner
Johnson, L.
Kristensen
Lynch
Moore
Nelson
Pirsch
Wickersham

Present and not voting, 2:

Dierks
Rasmussen

Absent and not voting, 1:

Warner

Excused and not voting, 6:

Ashford
Bernard-Stevens
Johnson, R.
Landis
Rogers
Withem

The Lindsay motion to bracket lost with 20 ayes, 20 nays, 2 present and not voting, 1 absent and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Schellpeper asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Byars moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Byars requested a roll call vote on his amendment.

Voting in the affirmative, 23:

Abboud
Baack
Bernard-Stevens
Beutler
Byars
Conway
Coordsen
Crosby
Cudaback
Dierks
Elmer
Hefner
Horgan
Johnson, L.
Kristensen
Labedz
Lynch
Moore
Morrissey
Pirsch
Robinson
Schrock
Wickersham

Voting in the negative, 15:

Beyer
Bohlke
Chambers
Hall
Hillman
Lamb
Lindsay
Nelson
Peterson
Robak
Schimek
Schmit
Wehrbein
Wesely
Will

Present and not voting, 4:

Chizek
Haberman
Hartnett
Rasmussen

Absent and not voting, 1:

Warner

Excused and not voting, 6:

Ashford
Johnson, R.
Landis
Rogers
Schellpeper
Withem

The Byars amendment lost with 23 ayes, 15 nays, 4 present and not voting, 1 absent and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mrs. Pirsch and Mr. Bernard-Stevens asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved to indefinitely postpone LB 1135.

Mrs. Rasmussen asked unanimous consent to be excused. No objections. So ordered.

Mrs. Robak moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. Conway requested a record vote on the Chambers motion to indefinitely postpone.

Voting in the affirmative, 24:

Beyer
Bohlke
Chambers
Cudaback
Dierks
Haberman
Hartnett
Hillman
Horgan
Kristensen
Lamb
Lindsay
Moore
Morrissey
Nelson
Peterson
Robak
Robinson
Schmit
Schrock
Warner
Wehrbein
Wesely
Will

Voting in the negative, 11:

Abboud
Baack
Byars
Chizek
Conway
Coordsen
Crosby
Elmer
Hall
Johnson, L.
Wickersham

Present and not voting, 5:

Beutler
Hefner
Labedz
Lynch
Schimek

Excused and not voting, 9:

Ashford
Bernard-Stevens
Johnson, R.
Landis
Pirsch
Rasmussen
Rogers
Schellpeper
Withem

The Chambers motion to indefinitely postpone prevailed with 24 ayes, 11 nays, 5 present and not voting, and 9 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Moore asked unanimous consent to print the following amendment to LB 719A in the Journal. No objections. So ordered.

AM3918

(Amendments to AM3834)

1. Insert the following new sections:

"Sec. 213. (1) The Tax Commissioner in determining the taxable value of public service entities as defined in section 77-801.01 shall determine the following ratios involving public service property and commercial and industrial property:

(a) The ratio of the taxable value of all commercial and industrial personal property in the state actually subjected to property tax divided by the market value of all commercial and industrial personal property in the state;

(b) The ratio of the taxable value of all commercial and industrial real property in the state actually subjected to property tax divided by the market value of all commercial and industrial real property in the state;

(c) The ratio of the taxable value of public service personal property to the market value of public service personal property. The numerator of the ratio shall be the taxable value of public service personal property. The denominator of the ratio shall be the public service property value in Nebraska and multiplied by a factor representing the net book value of public service personal property divided by the net book value of total public service property; and

(d) The ratio of the taxable value of public service real property to the market value of public service real property. The numerator of the ratio shall be the taxable value of public service real property. The denominator of the ratio shall be the public service property value in Nebraska and multiplied by a factor representing the net book value of public service real property divided by the net book value of total public service property.

(2) If the ratio of the taxable value of public service personal or real property exceeds the ratio of the comparable taxable commercial and industrial property by more than five percent and the Tax Commissioner has adjusted the value of railroad and car line personal property pursuant to section 212 of this act, the Tax Commissioner shall adjust the value of such public service property to the percentage of the comparable taxable commercial and industrial property.

(3) For purposes of this section, commercial and industrial property shall mean all real and personal property which is devoted to commercial or industrial use other than rail transportation property, public service property, air carrier flight equipment, and land used primarily for agricultural purposes.

Sec. 214. (1) The Tax Commissioner in determining the taxable value of flight equipment of air carriers as defined by section 77-1244 shall determine the following ratios involving flight equipment of air carriers and commercial and industrial personal property:

(a) The ratio of the taxable value of all commercial and industrial personal property in the state actually subjected to property tax divided by the market value of all commercial and industrial personal property in the state; and

(b) The ratio of the taxable value of flight equipment to the market value of flight equipment. The numerator of the ratio shall be the taxable value of flight equipment. The denominator of the ratio shall be the air carrier system value allocated to Nebraska and multiplied by a factor representing the net book value of flight equipment divided by the net book value of total air carrier property.

(2) If the ratio of the taxable value of air carrier flight equipment exceeds the ratio of the comparable taxable commercial and industrial personal property by more than five percent and the Tax Commissioner has adjusted the value of railroad and car

line personal property pursuant to section 212 of this act, the Tax Commissioner shall adjust the value of such air carrier flight equipment to the percentage of the comparable taxable commercial and industrial personal property.

(3) For purposes of this section, commercial and industrial personal property shall mean all personal property which is devoted to commercial or industrial use other than rail transportation property, public service property, air carrier flight equipment, and land used primarily for agricultural purposes.".

2. On page 2, line 20, strike "may" and insert "shall".

3. On page 3, line 4, after "property" insert ", public service property, air carrier flight equipment,"; in line 10 strike "215" and insert "217"; and in line 11 strike "216" and insert "218".

4. Renumber the remaining section accordingly.

Mr. Kristensen asked unanimous consent to print the following amendment to LB 835 in the Journal. No objections. So ordered.

AM3872

1. Insert the following new sections:

"Section 1. That section 44-4228, Revised Statutes Supplement, 1991, be amended to read as follows:

44-4228. (1) Pool coverage shall exclude charges or expenses incurred during the first six months following the effective date of coverage as to any condition ~~(1)~~ (a) which had manifested itself during the six-month period immediately preceding the effective date of coverage in such a manner as would cause an ordinarily prudent person to seek diagnosis, care, or treatment or ~~(2)~~ (b) for which medical advice, care, or treatment was recommended or received during the six-month period immediately preceding the effective date of coverage.

(2) Any person whose health coverage is involuntarily terminated on or after January 1, 1992, and who is not eligible for a conversion policy or a continuation of coverage policy or contract available under state or federal law may apply for pool coverage but shall submit proof of eligibility pursuant to

section 44-4221. If such proof is supplied and if pool coverage is applied for under the act within sixty days after the involuntary termination and if premiums are paid to the pool for the entire coverage period, any waiting period or preexisting condition exclusions provided for under the pool shall be waived to the extent similar exclusions, if any, under the previous health coverage have been satisfied and the effective date of the pool coverage shall be the day following termination of the previous coverage. The board may assess an additional premium for pool coverage provided pursuant to this subsection notwithstanding the premium limitations stated in section 44-4227. For purposes of this subsection, a person whose health coverage is involuntarily terminated shall mean a person whose health insurance or health plan is terminated by reason of the withdrawal by the insurer from this state, bankruptcy or insolvency of the employer, or cessation by the employer of providing any group health plan for all of its employees.

(3) Subsection (1) of this ~~This~~ section shall not apply to a person who has received medical assistance pursuant to section 43-522 or sections 68-1018 to 68-1025 or an organ transplant recipient terminated from coverage under medicare during the six-month period immediately preceding the effective date of coverage.

Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. In AM3463, on page 2, line 23, strike "is" and insert "and section 44-4228, Revised Statutes Supplement, 1991, are".

3. Renumber the remaining sections accordingly.

UNANIMOUS CONSENT - Member Excused

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 1240. Title read. Considered.

Standing Committee amendment, AM2885, printed separately from the Journal and referred to on page 902, was considered.

Mr. Haberman asked unanimous consent to be excused. No objections. So ordered.

Messrs. Hartnett and Wickersham renewed their pending amendment, AM3656, found in the Journal on page 1600, to the Standing Committee amendment.

Mr. Hall requested a division of the question on the Hartnett-Wickersham amendment.

The Chair sustained the division of the question.

The first Hartnett-Wickersham amendment, to the Standing Committee amendment, is as follows:
FA352

(Amendments to Standing Committee amendments, AM2885)

1. Strike original section 1 and insert the following new sections:

"Sec. 12. Any business entity located, starting up, or expanding within an enterprise zone after the date on which the enterprise zone is designated or during the term of such designation, and which is a taxpayer engaged in a qualifying business that is entitled to receive tax credits under the Employment Expansion and Investment Incentive Act, shall receive a credit in the amount provided for in subsection (3) of section 77-27,188 on the terms and conditions provided for in the Employment Expansion and Investment Incentive Act.

Sec. 14. That section 77-27,188, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-27,188. (1)(a) A credit against the taxes imposed by the Nebraska Revenue Act of 1967 shall be allowed to any taxpayer engaged in a qualifying business as described in section 77-27,189 who increases the employment of such business in this state by two new full-time employees and who makes an increased investment in this state of at least seventy-five thousand dollars during a taxable year.

(b) Any taxpayer who has been allowed a credit under subdivision (1)(a) of this section during the preceding five taxable years, not counting carryovers, shall be allowed a credit for an increase in employment in this state by two new full-time employees.

(2) ~~The~~ Except as provided in subsection (3) of this section, the amount of the credit shall be one thousand five hundred dollars for each new employee and one thousand dollars for each seventy-five thousand dollars of increased investment.

(3) For any taxpayer described in subdivision (1)(a) of this section which is also located within the boundaries of an officially designated enterprise zone, the amount of the credit shall be four thousand five hundred dollars for each new employee and three thousand dollars for each seventy-five thousand dollars of increased investment.

(4) The credit shall be applied as provided in section 77-27,188.01.

Messrs. Elmer and Hefner asked unanimous consent to be excused. No objections. So ordered.

Mr. Hall moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Hall requested a roll call vote on the first Hartnett-Wickersham amendment.

Voting in the affirmative, 15:

Beyer
Bohlke
Byars
Chambers
Dierks
Horgan
Labedz
Lindsay
Lynch
Morrissey
Robak
Robinson
Rogers
Wickersham
Will

Voting in the negative, 21:

Baack
Bernard-Stevens
Beutler
Chizek
Conway
Coordsen
Crosby
Cudaback
Hall
Hartnett
Johnson, L.
Kristensen
Lamb
Moore
Nelson
Schimek
Schmit
Schrock
Warner
Wehrbein
Wesely

Present and not voting, 2:

Hillman
Peterson

Excused and not voting, 11:

Abboud
Ashford
Elmer
Haberman
Hefner
Johnson, R.
Landis
Pirsch
Rasmussen
Schellpeper
Withem

The first Hartnett-Wickersham amendment lost with 15 ayes, 21 nays, 2 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

The second Hartnett-Wickersham amendment, to the Standing Committee amendment, is as follows:
FA353

(Amendments to Standing Committee amendments, AM2885)

1. Strike original section 1 and insert the following new sections:

Sec. 15. That original section 77-27,188, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

2. On page 3, strike beginning with "the" in line 8 through line 9 and insert "sections 1 to 13 of this act:".

3. On page 4, line 16, strike "one calendar year" and insert "twelve months".

4. On page 4, line 22; page 6, lines 10, 18, and 21; and page 7, line 5, strike "3" and insert "2".

5. On page 5, line 19; and page 8, line 8, strike "7, 8, and 9" and insert "6, 7, and 8".

6. On page 5, line 22; and page 9, line 8, strike "5" and insert "4".

7. On page 7, strike lines 23 and 24.

8. On page 8, strike lines 1 through 6 and insert the following new subdivision:

"(6) Cities of the metropolitan, primary, and first class shall provide documentation of the commitment of funds for expenditure in the proposed enterprise zone over the term during which the area is designated an enterprise zone for the purpose of assisting or enabling businesses to locate or expand existing operations within the area of the proposed enterprise zone. The funds to be expended shall be from revenue of the city or other local political subdivisions, from federal government sources, from private entities, or from other nonstate government sources. For cities of the metropolitan and primary class, such commitments from all permitted sources shall not be less than five hundred thousand dollars. For cities of the first class, such commitments from all permitted sources shall not be less than one hundred thousand dollars. No application for enterprise zone designation from a city of the metropolitan, primary, or first class shall be approved by the department until commitments at the level designated have been documented to the department;

(7) Counties, cities of the second class, and villages shall document commitments to be made from private sector sources of resources and funds for the operation and development of the enterprise zone and commitments by the political subdivision of general fund revenue and other nonstate resources to encourage economic development in the area; and".

9. On page 10, strike beginning with "represent" in line 20 through "or" in line 24 and insert "include property owners, residents, business operators, and".

10. On page 11, line 1, after "zone" insert "as well as individuals representing groups or organizations with an interest in furthering the purposes and goals of the enterprise zone"; and in line 14 strike "10" and insert "9".

11. On page 12, line 13, strike "11" and insert "10"; and strike beginning with "the" in line 23 through "Act" in line 24 and insert "sections 1 to 13 of this act".

12. Renumber the remaining sections accordingly.

The second Hartnett-Wickersham amendment was adopted with 27 ayes, 1 nay, 10 present and not voting, and 11 excused and not voting.

Messrs. Hartnett, Wickersham, and Lamb renewed their pending amendment, AM3609, printed separately from the Journal and referred to on page 1603, to the Standing Committee amendment.

Messrs. Robinson and Will asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Beutler requested a ruling of the Chair on whether the Hartnett-Wickersham-Lamb amendment is germane to the Standing Committee amendment.

The Chair ruled the Hartnett-Wickersham-Lamb amendment is not germane to the Standing Committee amendment.

Mr. Wickersham challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Lamb moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. Lamb requested a roll call vote on the Wickersham motion to overrule the Chair.

Voting in the affirmative, 17:

Bohlke
Byars
Chizek
Coordsen
Cudaback
Dierks
Hartnett
Hillman
Johnson, L.
Lamb
Lynch
Morrissey
Peterson
Robak
Schmit
Schrock
Wickersham

Voting in the negative, 20:

Baack
Bernard-Stevens
Beutler
Beyer
Chambers
Conway
Crosby
Hall
Horgan
Kristensen
Labedz
Lindsay
Moore
Nelson
Rogers
Schimek
Warner
Wehrbein
Wesely
Will

Excused and not voting, 12:

Abboud
Ashford
Elmer
Haberman
Hefner
Johnson, R.
Landis
Pirsch
Rasmussen
Robinson
Schellpeper
Withem

The Wickersham motion to overrule the Chair lost with 17 ayes, 20 nays, and 12 excused and not voting.

The Chair was sustained.

Pending.

UNANIMOUS CONSENT - Print in Journal

Messrs. Warner and Dierks asked unanimous consent to print the following amendment to LB 719 in the Journal. No objections. So ordered.

(Amendment on file in the Clerk's Office - Room 2018 - AM3912.)

Mr. Ashford asked unanimous consent to print the following amendment to LB 1092 in the Journal. No objections. So ordered.

AM3888

(Amendments to AM2990)

1. Insert the following new sections:

"Sec. 22. (1) The Superintendent of the Nebraska State Patrol or his or her designee shall allocate grants or funding on a matching basis to cities, villages, school districts, and nonprofit organizations that apply for grants or funding for gun safety programs, projects, and information affirmatively intended to reduce deaths and injuries from gun accidents. Grants or funding may be allocated for projects such as the production, development, and distribution of firearm safety pamphlets, literature, and video cassettes and local gun amnesty programs. No gun amnesty program shall offer money or any other thing of value in exchange for the surrender of a firearm. A person applying for grants or funding shall describe the intended use of the grants or funding.

(2) The criteria the superintendent or his or her designee shall use to allocate the grants or funding shall include:

(a) Cost effectiveness of the program or project;

(b) Ratio of applicant's matching funds; and

(c) The overall involvement of the applicant in the program or project.

Sec. 23. There is hereby appropriated $50,000 from the General Fund for FY1992-93 to the Nebraska State Patrol to aid in carrying out the provisions of section 22, Legislative Bill 1092, Ninety-second Legislature, Second Session, 1992.".

2. Renumber the remaining sections accordingly.

Mr. R. Johnson asked unanimous consent to print the following amendment to LB 1257 in the Journal. No objections. So ordered.

AM3892

(Amendments to E & R amendments, AM5281)

1. On page 21, line 4, strike "After" and insert "(1) Except as provided in subsections (2) and (3) of this section, after"; in line 15 strike "(1)" and insert "(a)"; in line 17 strike "(2)" and insert "(b)"; in line 20 strike "(3)" and insert "(c)"; and after line 22 insert the following new subsections:

"(2) No person shall be found to be in violation of this section if (a) the solid waste generated by an individual is disposed of on such individual's property, (b) such property is outside the corporate limits of a municipality, and (c) the department determines that the county has not provided integrated solid waste management facilities for its residents.

(3) Any person, county, municipality, or agency may apply to the department for an extension of the deadline contained in subsection (1) of this section. The department shall determine whether or not to grant such extension based upon the good faith efforts of the person, county, municipality, or agency to comply with the Integrated Solid Waste Management Act.".

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 1022, 1268, and 1292.

Enrollment and Review Change to LB 1022

The following changes, required to be reported for publication in the Journal, have been made:

ER7163

1. On page 2, line 2, "to change the membership of a council;" has been inserted after the second semicolon.

(Signed) Eric Will, Chairperson

VISITORS

Visitors to the Chamber were Jim Vossler, Emily Galagher, and Ross Ricenbau from Friend; Bonnie Cudaback, Susanne Johnson, Marilyn Manning, and Judy Dinneen from Exeter; Martin Coordis and Judy Ressetter from North Platte; Jim and Evelyn Swenson from Oakland; Nick Hammerluen and Dennis Shannahan from O'Neill; 20 fourth grade students and teacher from Axtell Community School; 45 fifth grade students and teachers from Beattie Elementary, Lincoln; and Dick Young and Brent Lewis from Minden.

ADJOURNMENT

At 9:04 p.m., on a motion by Speaker Baack, the Legislature adjourned until 9:00 a.m., Thursday, April 2, 1992.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-THIRD DAY - APRIL 2, 1992

LEGISLATIVE JOURNAL

NINETY-SECOND LEGISLATURE
SECOND SESSION

FIFTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 2, 1992

Pursuant to adjournment, the Legislature met at 9:02 a.m., Speaker Baack presiding.

PRAYER

The prayer was offered by Pastor Dan Gangler, Director of Communications, United Methodist Headquarters, Nebraska Conference.

ROLL CALL

The roll was called and all members were present except Messrs. Ashford, Beutler, Chambers, Dierks, Hall, Hartnett, Horgan, Lindsay, Lynch, Schmit, Mmes. Labedz, and Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-second day was approved.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1237A. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1237, Ninety-second Legislature, Second Session, 1992.

REPORT

Received annual report from the Board of Examiners for County Highway and City Street Superintendents in compliance with 39-2301 to 39-2311, Nebraska Revised Statutes.

MOTION - Return LB 1006 to Select File

Messrs. Landis and Wesely moved to return LB 1006 to Select File for the Wesely specific amendment, AM3898, found in the Journal on page 1810.

The Landis-Wesely motion to return prevailed with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1006. The Wesely specific amendment, AM3898, found in the Journal on page 1810, was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Advanced to E & R for engrossment.

MOTION - Return LB 245A to Select File

Mr. Withem moved to return LB 245A to Select File for his specific amendment, AM3893, found in the Journal on page 1825.

The Withem motion to return prevailed with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 245A. The Withem specific amendment, AM3893, found in the Journal on page 1825, was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 1022 to Select File

Mr. Moore moved to return LB 1022 to Select File for the following specific amendment:
AM3933

(Amendments to Final Reading copy)

1. On page 2, strike beginning with "to" in line 4 through the semicolon in line 5; and strike beginning with the first comma in line 6 through "1991"

in line 7.

2. On page 155, strike beginning with the second "and" in line 5 through the final comma in line 6.

The Moore motion to return prevailed with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1022. The Moore specific amendment, AM3933, found in this day's Journal, was adopted with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

Advanced to E & R for reengrossment.

LEGISLATIVE BILL 719. Mr. Lamb withdrew his pending amendment, AM3690, found in the Journal on page 1726.

Mr. Lamb moved to suspend the rules, Rule 7, Section 3(D) to permit consideration of AM3762.

Mr. Wickersham moved the previous question. The question is, "Shall the debate now close?" The motion lost with 8 ayes, 10 nays, and 31 not voting.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Abboud moved the previous question. The question is, "Shall the debate now close?"

Mr. Lamb moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

The motion to cease debate prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Lamb requested a roll call vote on his motion to suspend the rules.

Voting in the affirmative, 39:

Abboud
Ashford
Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Byars
Conway
Coordsen
Crosby
Cudaback
Dierks
Elmer

Hartnett
Hefner
Hillman
Johnson, L.
Kristensen
Labedz
Lamb
Moore
Morrissey
Nelson
Peterson
Pirsch
Rasmussen
Robak
Robinson
Rogers
Schellpeper
Schimek
Schmit
Schrock
Warner
Wehrbein
Wesely
Wickersham
Withem

Voting in the negative, 5:

Hall
Landis
Lindsay
Lynch
Will

Present and not voting, 2:

Chizek
Haberman

Excused and not voting, 3:

Chambers
Horgan
Johnson, R.

The Lamb motion to suspend the rules prevailed with 39 ayes, 5 nays, 2 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mr. Lamb renewed his pending amendment, AM3762, found in the Journal on page 1788.

Mr. Bernard-Stevens requested a division of the question on the Lamb amendment.

The Chair sustained the division of the question.

The first Lamb amendment is as follows:
FA355

1. Strike the original sections and all amendments thereto and insert the following new sections:

Sec. 2. That section 79-3806, Revised Statutes Supplement, 1991, be amended to read as follows:

79-3806. (1) Except as provided in subsections (2) through (6) of this section, each district shall receive equalization aid in the amount that the total formula need of each such district, as determined pursuant to subsection (4) of this section and sections 79-3805 and 79-3807, exceeds its total formula resources as determined pursuant to subsection (4) of this section and sections 79-3808 to 79-3811.

(2) A district shall not receive state aid for each of the school years ~~1990-91, 1991-92, and 1992-93~~ 1992-93, 1993-94, and 1994-95 which is less than one hundred percent of the amount of aid received pursuant to the School Foundation and Equalization Act for school year 1989-90.

(3) No district shall receive equalization aid in an amount such that total state aid received would result in such district having a general fund tax levy of less than sixty percent of the local effort rate as computed pursuant to section 79-3808. The calculation shall be based on valuation, state aid, and levy data from the current school year and, for the calculation of state aid in school year 1992-93 and each school year thereafter, shall also take into consideration the amounts of nonresident high school tuition certified by the department pursuant to section 79-4,102 for the current school year and for the school year in which such state aid is to be paid.

(4) For school districts in affiliated school systems as defined in section 79-101.01, equalization aid to be paid in school year 1992-93 and each school year thereafter shall be computed as follows:

(a) For affiliated Class I districts, the total formula need and total formula resources shall be allocated to each affiliated school system based upon the proportion of such Class I district's adjusted valuation contained in each system with which it is affiliated;

(b) For the high school district and each Class I district or portion thereof allocated pursuant to subdivision (a) of this subsection, the total formula resources shall be subtracted from the total formula need, except that the difference shall never be less than zero;

(c) Each district's total formula need, total formula resources, and difference calculated pursuant to subdivision (b) of this subsection shall be added to arrive at system formula need, system formula resources, and system total difference;

(d) System equalization aid shall equal the amount by which the system formula need exceeds system formula resources; and

(e) Each district's share of the system equalization aid shall be calculated by dividing the district's difference calculated pursuant to subdivision (b) of this subsection by the system total difference and multiplying the result by the system equalization aid.

(5) Beginning with school year 1994-95, a district which does not generate equalization aid pursuant to subsection (1) of this section and in which option students as defined in section 79-3402 were actually enrolled in the most recently available complete data year shall receive additional state aid for each such student in an amount equal to the statewide average tiered cost per student or the option district's tiered cost per student, whichever is less.

(6) For school years 1992-93 and 1993-94, a district which does not generate equalization aid pursuant to subsection (1) of this section and in which option students as defined in section 79-3402 were actually enrolled in the most recently available complete data year shall receive additional state aid computed by first multiplying the number of such option students, by grade group, by the district's tiered cost per student for each grade group and then summing the results for all grade groups in the district. The district shall receive additional state aid equal to the amount by which this calculation exceeds the district's actual receipts pursuant to section 79-3415 in the most recently available complete data year.

Ms. Schimek asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Hall offered the following amendment to the first Lamb pending amendment:
FA357
Amend Lamb amendment, FA355
Sec. 2. Subsection (2)
Strike "one hundred" on line 7 & 8 and insert "eighty"

MR. WARNER PRESIDING

Messrs. Wehrbein and Schmit asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Hall moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Hall requested a roll call vote on his amendment.

Voting in the affirmative, 11:

Conway
Hall
Hartnett
Landis
Lindsay
Lynch
Morrissey
Nelson
Pirsch
Wesely
Will

Voting in the negative, 25:

Abboud
Ashford
Baack
Bernard-Stevens
Beyer
Bohlke
Byars
Coordsen
Cudaback
Haberman
Hefner
Hillman
Johnson, L.
Johnson, R.
Kristensen
Labedz
Lamb
Moore
Peterson
Robak
Rogers
Schellpeper
Schrock
Warner
Wickersham

Present and not voting, 10:

Beutler
Chambers
Chizek
Crosby
Dierks
Elmer
Rasmussen
Robinson
Schimek
Withem

Excused and not voting, 3:

Horgan
Schmit
Wehrbein

The Hall amendment lost with 11 ayes, 25 nays, 10 present and not voting, and 3 excused and not voting.

Pending.

The Chair declared the call raised.

MESSAGES FROM THE GOVERNOR

April 2, 1992

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the State Boiler Safety Code Advisory Board, requiring legislative approval.

> APPOINTEE: John J. "Jack" Campbell, 5423 Bay Meadows Rd., Omaha, NE 68127, 402-444-5383 w, 402-339-3728 h.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:fc

April 2, 1992

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the State Boiler Safety Code Advisory Board, requiring legislative approval.

> APPOINTEE: Thomas Jeffrey Hix, 1717 S. 155th Av., Omaha, NE 68112, 402-333-8802 h, 402-536-4477 w.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:fc

April 2, 1992

Madam President, Mr. Speaker
and Members of the Legislature

State Capitol Building
Lincoln, Nebraska 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the State Boiler Safety Code Advisory Board, requiring legislative approval.

APPOINTEE: James R. "Dick" Gregg, 7541 Sawtooth Circle, Omaha, NE 68157, 402-734-1708 h, 402-734-0607 w.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:fc

UNANIMOUS CONSENT - Print in Journal

Messrs. Schmit and Wehrbein asked unanimous consent to print the following amendment to LB 754 in the Journal. No objections. So ordered.

(Amendment on file in the Clerk's Office - Room 2018 - AM3910.)

Mr. Robinson and Mrs. Rasmussen asked unanimous consent to print the following amendment to LB 1241 in the Journal. No objections. So ordered.

AM3865

(Amendments to Final Reading copy)

1. On page 48, line 24; and page 49, line 3, after "contract" insert ", for a term not to exceed one year,".

Mr. Chizek asked unanimous consent to print the following amendment to LB 437 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM3166.)

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1063A. Placed on Select File.
LEGISLATIVE BILL 306A. Placed on Select File.

Correctly Reengrossed

The following bill was correctly reengrossed: 1022.

(Signed) Eric Will, Chairperson

SELECT FILE

LEGISLATIVE BILL 719. Mr. Hall offered the following amendment to the first Lamb pending amendment:
FA358

Amend the Lamb amendment, FA355

Sec. 2 subsection (2), line 7, strike ", 1993-94, and 1994-95" and insert "and 1993-94"

SPEAKER BAACK PRESIDING

Mr. Hall moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mr. Hall requested a roll call vote on his amendment.

Voting in the affirmative, 13:

Beutler
Chizek
Conway
Hall
Landis
Lindsay
Lynch
Morrissey
Nelson
Pirsch
Rasmussen
Wesely
Will

Voting in the negative, 28:

Abboud
Ashford
Baack
Bernard-Stevens
Beyer
Bohlke
Byars
Coordsen
Crosby
Cudaback
Dierks
Elmer
Haberman
Hefner
Hillman
Johnson, L.
Johnson, R.
Kristensen
Lamb
Moore
Peterson
Robak
Rogers
Schellpeper
Schimek
Schrock
Warner
Wickersham

Present and not voting, 6:

Chambers
Hartnett
Labedz
Robinson
Wehrbein
Withem

Excused and not voting, 2:

Horgan	Schmit

The Hall amendment lost with 13 ayes, 28 nays, 6 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Mr. Lynch asked unanimous consent to be excused. No objections. So ordered.

Messrs. Abboud and Haberman asked unanimous consent to be excused until they return. No objections. So ordered.

The first Lamb pending amendment, FA355, was renewed.

Mrs. Robak moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The first Lamb pending amendment was adopted with 25 ayes, 6 nays, 14 present and not voting, and 4 excused and not voting.

The second Lamb amendment is as follows:
FA354

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 79-402, Revised Statutes Supplement, 1991, be amended to read as follows:

79-402. (1) The county superintendent shall create a new school district from other districts, change the boundaries of any district, or affiliate a Class I district or portion thereof with one or more existing Class II, III, IV, or V districts upon receipt of petitions signed by sixty percent of the legal voters of each district affected, except that petitions shall contain signatures of at least sixty-five percent of the legal voters of each district affected if the proposed change has been disapproved by both the state and county committees for school district reorganization or, in the case of affiliation, if the petition has been disapproved by the county committee pursuant to sections

79-402.14 and 79-402.15. When area is added to a Class VI district or when a Class I district which is entirely or partially within a Class VI district is taken from the Class VI district, the Class VI district shall be deemed to be an affected district.

(2) Petitions proposing to change the boundaries of existing school districts through the transfer of a parcel of land, not to exceed six hundred forty acres, may be acted upon and so transferred by order of the county superintendent when the petitions involve the transfer of land between Class I, II, III, IV, or V school districts or when there would be an exchange of parcels of land between Class I, II, III, IV, or V school districts if the petitions have the approval of at least sixty-five percent of each school board or board of education. ~~Petitions proposing to change the boundaries of existing school districts through the transfer of a parcel of land, not to exceed six hundred forty acres, may be acted upon and so transferred by order of the county superintendent when the petitions involve the transfer of a parcel of land from a Class I or a Class II school district to a school district of a higher classification if the petition has the approval of sixty-five percent of the legal voters or the board of education of each affected school district as set forth in this section or section 79-402.03.~~

(3)(a) Petitions proposing to create a new school district, to change the boundary lines of existing school districts, to create an affiliated school system, or to affiliate a Class I district in part and to join such district in part with a Class VI district, any of which involves the transfer of more than six hundred forty acres, shall, when signed by at least sixty percent of the legal voters in each district affected, be submitted to the county committee for school district reorganization. In the case of a petition for affiliation or a petition to affiliate in part and in part to join a Class VI district, the county committee shall review the proposed affiliation subject to sections 79-402.14 and 79-402.15. The county committee shall, within forty days, review and approve or disapprove such proposal and submit it to the state committee for school district reorganization, except that an affiliation petition or a petition to affiliate in part and in part to join a Class VI district shall not be submitted to the state committee and the county committee's approval or disapproval shall be final.

(b) The state committee shall, within forty days, review and approve or disapprove the proposal and return it with any recommendations deemed advisable to the county committee. The county committee shall, within fifteen days of receipt of the returned proposal, consider the action of the state committee and determine whether to give final approval or disapproval to the proposal.

(c) The county committee shall, within fifteen days of receipt of the returned proposal or of the committee's final approval or disapproval of an affiliation petition or a petition to affiliate in part and in part to join a Class VI district, advertise and hold a public hearing at which the recommendations and action of the state and county committees are presented to the legal voters in attendance. The county committee shall hold the petitions for ten days following the hearing at the end of which time the committee shall file the petitions with the county superintendent.

(d) The county superintendent shall, within fifteen days, advertise and hold a hearing to determine the validity and sufficiency of the petitions. Upon determination, as a result of the hearing, that sufficient valid signatures are contained in the respective petitions, the county superintendent shall proceed to effect the changes in district boundary lines as set forth in the petitions.

(4) Any person adversely affected by the changes made by the county superintendent may appeal to the district court of any county in which the real estate or any part thereof involved in the dispute is located. If the real estate is located in more than one county, the court in which an appeal is first perfected shall obtain jurisdiction to the exclusion of any subsequent appeal.

(5) A signing petitioner shall be permitted to withdraw his or her name therefrom and a legal voter shall be permitted to add his or her name thereto at any time prior to the end of the ten-day period when the county committee files such petitions with the county superintendent. Additions and withdrawals of signatures shall be by notarized affidavit filed with the county

superintendent.

The second Lamb amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

The third Lamb amendment is as follows:
FA356

1. Strike the original sections and all amendments thereto and insert the following new sections:

Sec. 3. That section 79-3807, Revised Statutes Supplement, 1991, be amended to read as follows:

79-3807. (1) Except as provided in ~~subsection~~ subsections (2) and (3) of this section, utilizing each district's tiered cost per student as determined in section 79-3805, total formula need for each district shall be computed by first multiplying the number of formula students in each grade grouping of kindergarten, one through six, including full-day kindergarten, seven and eight, and nine through twelve by each such district's corresponding tiered cost per student in each grade grouping. The sum of such products shall be the district's total formula need.

(2) For calculations of state aid to be paid in school year 1992-93 and each school year thereafter, in school districts which certify to the department no later than June 15 of the current year that such district's average daily membership for the current year exceeds the average daily membership from the most recently available complete data year by more than twenty-five students and by more than one percent of the district's average daily membership in the most recently available complete data year, the total formula need computed pursuant to subsection (1) of this section shall be computed on the basis of formula students from the current year rather than the most recently available complete data year. Average daily membership increases and formula student increases attributable to school district reorganization shall not be included in the calculations made pursuant to this subsection.

(3) For calculation of state aid to be paid in school year 1993-94 and each school year thereafter, total formula need for the nonresident high school tuition fund of each county shall equal the total

nonresident high school tuition charge for the county for each such school year as certified by the department pursuant to section 79-4,102.

Sec. 4. That original sections 79-402, 79-3806, and 79-3807, Revised Statutes Supplement, 1991, are repealed.".

Messrs. Dierks, Ashford, Mmes. Hillman, and Labedz asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

STANDING COMMITTEE REPORT
Revenue

LEGISLATIVE BILL 1245. Placed on General File.

(Signed) Tim Hall, Chairperson

VISITORS

Visitors to the Chamber were 21 students, teacher, and sponsors from East Butler High School; Jimmy Gangler; 13 fourth through sixth grade students and teacher from District 28 - Milebridge School, Grand Island; four junior high students and teacher from Newport; 17 eighth grade students and teacher from Cedar Canyon School, Gering; 17 seniors and teacher from Greeley; group of FFA members from Gothenburg; Shirley Kraemer from Laurel; Scott Lyons from Kearney; and 70 fourth grade students and teachers from Engleman School, Grand Island.

MOTION - Recess

Mr. Withem moved to recess until 1:30 p.m. The motion prevailed with 15 ayes, 1 nay, 25 present and not voting, and 8 excused and not voting, and at 12:06 p.m., the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:33 p.m., Speaker Baack presiding.

ROLL CALL

The roll was called and all members were present except Mr. Lynch who was excused; and Messrs. Abboud, Byars, Elmer, Haberman, Hall, Hartnett, Morrissey, Robinson, Schmit, Will, and Withem who were excused until they arrive.

UNANIMOUS CONSENT - Members Excused

Messrs. Warner and Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Baack asked unanimous consent to print the following amendment to LB 1001 in the Journal. No objections. So ordered.

AM3934

1. Insert the following new sections:

"Sec. 8. That section 79-3407, Revised Statutes Supplement, 1991, be amended to read as follows:

79-3407. (1) Except as provided in section 79-3409, the school board or board of education of the option school district shall adopt by resolution specific standards for acceptance and rejection of applications. Standards may include the capacity of a program, class, grade level, or school building or the availability of appropriate special education programs operated by the option district. Capacity shall be determined by setting a maximum number of option students that a district will accept in any program, class, grade level, or school building, based upon available staff, facilities, projected enrollment of resident students, projected number of students with which the option district will contract based on existing contractual arrangements, and availability of appropriate special education programs. The school board or board of education of the option school district may by resolution declare a program, a class, or a school unavailable to option students due to lack of capacity. Standards shall not include previous academic achievement, athletic or other extracurricular ability, handicapping conditions, proficiency in the English language, or previous disciplinary proceedings.

(2) A school district that has a desegregation plan adopted by the school board or the board of education or ordered by the federal court may limit the number of students who transfer into or out of the

school district. The school board or board of education of such school district shall adopt specific standards for acceptance and rejection of applications for transfer into or out of such district. Standards shall be designed to facilitate the school district's desegregation plan and maintain or improve the integration of the school district.

(3) Any option school district shall give first priority for enrollment to option students whose request for enrollment would aid the racial integration of the option school district and the resident school district and to siblings of option students, except that the option school district shall not be required to accept the sibling of an option student if the district is at capacity except as provided in subsection (2) of section 79-3409.

(4) For purposes of this section, racial integration is aided if a student transfers to an option school district in which his or her race is a smaller percentage of the total student enrollment of the option school district than it is of the student's resident school district.

Sec. 9. That section 79-3409, Revised Statutes Supplement, 1991, be amended to read as follows:

79-3409. (1) Upon agreement of the school boards or boards of education of the resident school district and the option school district, the deadlines for application and approval or rejection prescribed in sections 79-3406 and 79-3408 may be waived.

(2) The application of a student who relocates in a different school district but wants to continue attending his or her original resident school district and who has been enrolled in his or her original resident school district for the immediately preceding two years and the application of any sibling of any such student to attend kindergarten or first grade in such original resident school district shall be automatically accepted, and the deadlines prescribed in sections 79-3406 and 79-3408 shall be waived.

(3) The application of an option student who relocates in a different school district but wants to continue attending the option school district shall be automatically accepted, and the deadlines prescribed in sections 79-3406 and 79-3408 shall be waived.".

2. On page 22, line 19, strike "section 79-1032," and insert "sections 79-1032, 79-3407, and 79-3409,".
3. Renumber the remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 78. Title read. Considered.

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Bernard-Stevens renewed his pending amendment, AM3904, found in the Journal on page 1834.

Mrs. Hillman offered the following amendment to the Bernard-Stevens pending amendment:
AM3949

1. Insert the following new section:
"Sec. 3. The Legislature should consider establishing a state task force with the Department of Health as the lead agency to address health issues, including adolescent pregnancies, that adversely affect adolescents.".
2. Renumber the remaining section accordingly.

Messrs. Coordsen and Lamb asked unanimous consent to be excused until they return. No objections. So ordered.

MR. MORRISSEY PRESIDING

SPEAKER BAACK PRESIDING

Mrs. Labedz moved the previous question. The question is, "Shall the debate now close?"

Mrs. Labedz moved for a call of the house. The motion prevailed with 10 ayes, 1 nay, and 38 not voting.

Mrs. Labedz requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 32:

Ashford
Beutler
Beyer
Byars
Chizek
Conway
Coordsen
Crosby
Cudaback
Dierks
Hall
Hartnett
Hefner
Horgan
Johnson, L.
Johnson, R.
Labedz
Lamb
Lindsay
Moore
Peterson
Pirsch
Robak
Robinson
Rogers
Schellpeper
Schmit
Schrock
Warner
Wehrbein
Wesely
Will

Voting in the negative, 6:

Bohlke
Chambers
Hillman
Landis
Nelson
Rasmussen

Present and not voting, 4:

Baack
Bernard-Stevens
Schimek
Wickersham

Absent and not voting, 1:

Morrissey

Excused and not voting, 6:

Abboud
Elmer
Haberman
Kristensen
Lynch
Withem

The motion to cease debate prevailed with 32 ayes, 6 nays, 4 present and not voting, 1 absent and not voting, and 6 excused and not voting.

Mr. Bernard-Stevens requested a roll call vote on the Hillman amendment.

Voting in the affirmative, 24:

Ashford
Baack
Bernard-Stevens
Beutler
Bohlke
Chambers
Coordsen
Hall
Hartnett
Hillman
Kristensen
Landis
Lindsay
Morrissey
Nelson
Rasmussen
Robinson
Schellpeper
Schimek
Warner
Wehrbein
Wesely
Wickersham
Will

Voting in the negative, 18:

Beyer
Byars
Conway
Crosby
Cudaback
Dierks
Hefner
Horgan
Johnson, L.
Johnson, R.
Labedz
Lamb
Peterson
Pirsch
Robak

Rogers Schmit Schrock

Present and not voting, 2:

Chizek Moore

Excused and not voting, 5:

Abboud Elmer Haberman Lynch Withem

The Hillman amendment was adopted with 24 ayes, 18 nays, 2 present and not voting, and 5 excused and not voting.

Pending.

The Chair declared the call raised.

UNANIMOUS CONSENT - Print in Journal

Mr. Ashford asked unanimous consent to print the following amendment to LB 1092A in the Journal. No objections. So ordered.

AM3972

1. Insert the following new section:

"Sec. 6. There is hereby appropriated (1) $50,000 from the General Fund for FY1992-93 and (2) $50,000 from the General Fund for FY1993-94 to the Nebraska State Patrol, for Program 100, to aid in carrying out the provisions of Legislative Bill 1092, Ninety-second Legislature, Second Session, 1992.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $9,200 for FY1992-93 or $9,568 for FY1993-94.

2. Renumber the remaining section accordingly.

Mr. Ashford asked unanimous consent to print the following amendment to LB 1092 in the Journal. No objections. So ordered.

AM3971

(Amendments to AM2990)

1. Insert the following new section:

"Sec. 22. (1) The Superintendent of the Nebraska State Patrol or his or her designee shall allocate grants or funding on a matching basis to cities, villages, school districts, and nonprofit organizations that apply for grants or funding for gun safety programs, projects, and information affirmatively intended to reduce deaths and injuries from gun accidents. Grants or funding may be allocated for projects such as the production, development, and distribution of firearm safety pamphlets, literature, and video cassettes and local gun amnesty programs. No gun amnesty program shall offer money or any other thing of value in exchange for the surrender of a firearm. A person applying for grants or funding shall describe the intended use of the grants or funding.

(2) The criteria the superintendent or his or her designee shall use to allocate the grants or funding shall include:

(a) Cost effectiveness of the program or project;

(b) The ratio of the applicant's matching funds; and

(c) The overall involvement of the applicant in the program or project.".

2. Renumber the remaining sections accordingly.

Mr. Peterson asked unanimous consent to print the following amendment to LB 1241A in the Journal. No objections. So ordered.

AM3926

1. Strike the original sections and insert the following new sections:

"Section 1. There is hereby appropriated (1) $1,829,028 from the State Building Revolving Fund for FY1992-93 and (2) $2,030,481 from the State Building Revolving Fund for FY1993-94 to the Department of Administrative Services, for Program 560, to aid in carrying out the provisions of Legislative Bill 1241, Ninety-second Legislature, Second Session, 1992.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $23,222 for FY1992-93 or $24,385 for FY1993-94.

Sec. 2. There is hereby appropriated $150,000 from the State Building Revolving Fund and $150,000 from the Vacant Building and Excess Land Fund for FY1992-93 to the Department of Administrative Services, for Program 560, to renovate the Stone Office Building at the Norfolk Regional Center.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

Mr. Wickersham asked unanimous consent to print the following amendment to LB 1001 in the Journal. No objections. So ordered.

AM3951

1. Insert the following new section:

"Section 1. That section 79-402.20, Revised Statutes Supplement, 1991, be amended to read as follows:

79-402.20. (1) Any Class I district which is part of a Class VI district or districts or any Class I district or portion thereof which is affiliated or affiliated in part and also part of a Class VI district or districts and which (a) becomes subject to dissolution pursuant to section 79-420, 79-486, or 79-603 or (b) otherwise dissolves, unless otherwise prescribed in the affiliation petition, shall be merged with another affiliated Class I district, be merged with a Class II, III, IV, or V district, or be merged with a Class I district which is part of a Class VI district or districts. Any such district or portion thereof which fails to comply with this subsection shall be subject to the provisions of sections 79-402.17 to 79-402.19 and shall be dissolved and attached to an existing Class II, III, IV, or V district. Any such district or portion thereof which was affiliated shall retain its original affiliation, and any portion of such district which was part of a Class VI district shall remain part of such Class VI district. After July 1, 1993, any school district which fails to comply with the provisions of subsection (1) of section 79-426.28 shall be dissolved by the county superintendent and attached to an existing Class II, III, IV, or V district. ~~After July 1, 1993, an affiliated Class I district which becomes subject to dissolution pursuant to section 79-420 or 79-603 may merge with an existing affiliated Class I district. Any~~

~~such Class I district which merges with another affiliated district pursuant to this section shall continue its affiliation with the high school district with which it was affiliated prior to its becoming subject to section 79-420 or 79-603. If such Class I district chooses not to merge with any affiliated district, the county superintendent shall, before the next school year, dissolve and attach the property of such Class I district to the district or districts with which such Class I district was affiliated prior to becoming subject to section 79-420 or 79-603.~~

(2) A Class II, III, IV, or V district which becomes a Class I district pursuant to section 79-701 or any other state law shall merge with a Class II, III, IV, or V district, affiliate with one or more Class II, III, IV, or V districts, become part of ~~a~~ one or more Class VI ~~district~~ districts, or affiliate in part with one or more Class II, III, IV, or V districts and in part become part of ~~a~~ one or more Class VI ~~district~~ districts. ~~not later than the school year immediately following the school year when such district becomes a Class I district or becomes subject to sections 79-402.17 to 79-402.19.~~

~~(2) After July 1, 1993, if an affiliated Class I district dissolves, unless otherwise stated in the affiliation petition, the Class I district may, in whole or in part, be merged with any Class I, II, III, IV, or V district. Any portion of such Class I district merging with a Class I district that is not part of a Class VI district shall retain its original affiliation. Any portion of such Class I district merging with a Class I district that is part of a Class VI district shall become part of such Class VI district.~~

(3) After July 1, 1993, if an affiliated Class II, III, IV, or V district dissolves, unless otherwise stated in the affiliation petition, any portions of a Class I district that are affiliated with such district may affiliate with another Class II, III, IV, or V district, merge with any Class I, II, III, IV, or V district, or become part of a Class VI district.

(4) After July 1, 1993, if a Class VI district dissolves, any Class I district or portions thereof which are part of such district may affiliate with a Class II, III, IV, or V district, merge with any Class I, II, III, IV, or V district, or become part of another

Class VI district.".

2. In the Standing Committee amendment, AM2754:

a. Strike amendments 2 and 3 and insert the following new amendment:

"2. On page 22, line 18, strike '79-1044.01,'; and in line 19 strike 'section' and insert 'sections 79-402.20 and'."; and

b. Renumber the remaining amendment accordingly.

3. Renumber the remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 78. Mrs. Rasmussen offered the following amendment to the Bernard-Stevens pending amendment:
FA359

Amend AM3904
Insert after line 7, p. 2, a new subsection
(3) The Legislature shall work together to find solutions to the circumstances contributing to why women have abortions.

MR. WARNER PRESIDING

Messrs. Kristensen, Cudaback, and Will asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Labedz moved the previous question. The question is, "Shall the debate now close?"

Mrs. Labedz moved for a call of the house. The motion prevailed with 5 ayes, 0 nays, and 44 not voting.

SPEAKER BAACK PRESIDING

Mr. Landis requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 26:

Beutler
Beyer
Chizek
Conway
Coordsen
Crosby
Dierks
Hall
Hartnett
Horgan
Johnson, L.
Johnson, R.
Labedz
Lamb
Lindsay
Moore
Peterson
Pirsch
Robak
Robinson
Rogers
Schellpeper
Schmit
Schrock
Wehrbein

Wesely

Voting in the negative, 8:

Ashford
Bohlke
Chambers
Hillman
Landis
Rasmussen
Schimek
Warner

Present and not voting, 7:

Baack
Bernard-Stevens
Byars
Hefner
Morrissey
Nelson
Wickersham

Excused and not voting, 8:

Abboud
Cudaback
Elmer
Haberman
Kristensen
Lynch
Will
Withem

The motion to cease debate prevailed with 26 ayes, 8 nays, 7 present and not voting, and 8 excused and not voting.

PRESIDENT MOUL PRESIDING

The Rasmussen amendment was adopted with 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Messrs. Lindsay and Landis offered the following amendment to the Bernard-Stevens pending amendment:
FA360
Amend AM3904
Strike all portions of the Bernard-Stevens amendment except the Hillman-Rasmussen and Rasmussen amendments.

Messrs. Robinson, Schmit, and R. Johnson asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Coordsen asked unanimous consent to be excused. No objections. So ordered.

Mr. Rogers asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER BAACK PRESIDING

Mrs. Crosby moved the previous question. The question is, "Shall the debate now close?"

Mrs. Crosby moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

Mr. Landis requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 23:

Beutler
Beyer
Chizek
Conway
Crosby
Cudaback
Dierks
Hall
Hartnett
Hefner
Horgan
Johnson, L.
Johnson, R.
Labedz
Lamb
Lindsay
Moore
Peterson
Pirsch
Robak
Schellpeper
Schrock
Wehrbein

Voting in the negative, 10:

Ashford
Bohlke
Chambers
Hillman
Landis
Morrissey
Nelson
Rasmussen
Warner
Wesely

Present and not voting, 6:

Baack
Bernard-Stevens
Byars
Robinson
Schimek
Wickersham

Excused and not voting, 10:

Abboud
Coordsen
Elmer
Haberman
Kristensen
Lynch
Rogers
Schmit
Will
Withem

The motion to cease debate lost with 23 ayes, 10 nays, 6 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Messrs. Robinson, Wickersham, Ashford, Moore, and Conway asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Labedz moved the previous question. The question is, "Shall the debate now close?"

Mrs. Labedz moved for a call of the house. The motion prevailed with 7 ayes, 5 nays, and 37 not voting.

Mrs. Labedz requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 23:

Beutler
Beyer
Chizek
Crosby
Cudaback
Dierks
Hall
Hartnett
Hefner
Horgan
Johnson, L.
Johnson, R.
Kristensen
Labedz
Lamb
Lindsay
Peterson
Pirsch
Robak
Schellpeper
Schmit
Schrock
Wehrbein

Voting in the negative, 7:

Bohlke
Chambers
Hillman
Landis
Rasmussen
Schimek
Wesely

Present and not voting, 7:

Ashford
Baack
Bernard-Stevens
Byars
Morrissey
Nelson
Warner

Excused and not voting, 12:

Abboud
Conway
Coordsen
Elmer
Haberman
Lynch
Moore
Robinson
Rogers
Wickersham
Will
Withem

The motion to cease debate lost with 23 ayes, 7 nays, 7 present and not voting, and 12 excused and not voting.

The Chair declared the call raised.

Messrs. Ashford, Chizek, Hefner, and Kristensen asked unanimous consent to be excused until they return. No objections. So ordered.

MR. WARNER PRESIDING

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Pirsch moved the previous question. The question is, "Shall the debate now close?"

Mrs. Pirsch moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

Mr. Landis requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 28:

Beutler
Beyer
Bohlke
Byars
Crosby
Cudaback
Dierks
Hall
Hartnett
Hillman
Horgan
Johnson, L.
Kristensen
Labedz
Lamb
Landis
Lindsay
Morrissey
Nelson
Peterson
Pirsch
Rasmussen
Robak
Schellpeper
Schmit
Warner
Wehrbein
Wesely

Voting in the negative, 1:

Chambers

Present and not voting, 4:

Baack
Bernard-Stevens
Schimek
Schrock

Excused and not voting, 16:

Abboud
Ashford
Chizek
Conway
Coordsen
Elmer
Haberman
Hefner
Johnson, R.
Lynch
Moore
Robinson
Rogers
Wickersham
Will
Withem

The motion to cease debate prevailed with 28 ayes, 1 nay, 4 present and not voting, and 16 excused and not voting.

Mr. Landis requested a roll call vote on the Lindsay-Landis amendment.

Voting in the affirmative, 24:

Beyer
Bohlke
Byars
Crosby
Cudaback
Dierks
Hall
Hartnett
Hillman
Horgan
Johnson, L.
Kristensen
Labedz
Lamb
Landis
Lindsay
Nelson
Peterson
Pirsch
Robak
Schellpeper
Schmit
Schrock
Wehrbein

Voting in the negative, 9:

Baack
Bernard-Stevens
Beutler
Chambers
Morrissey
Rasmussen
Schimek
Warner

Wesely

Excused and not voting, 16:

Abboud
Ashford
Chizek
Conway
Coordsen
Elmer
Haberman
Hefner
Johnson, R.
Lynch
Moore
Robinson
Rogers
Wickersham
Will
Withem

The Lindsay-Landis amendment was adopted with 24 ayes, 9 nays, and 16 excused and not voting.

The Chair declared the call raised.

Mr. Landis offered the following amendment to the Bernard-Stevens pending amendment:
FA361

Amend Bernard-Stevens' amendment (AM3904) to LB 78 as follows:

Strike the original contents of LB 78 and all amendments thereto and insert the following new section.

The Legislature hereby establishes a State Task Force with the Department of Health as the lead agency to address health issues, including adolescent pregnancies, that adversely affect adolescents. The Legislature shall work with the State Task Force to find solutions for circumstances contributing to why women have abortions. There is hereby appropriated $5,000 to fund the work of the State Task Force.

Mr. Lindsay requested a division of the question on the Landis amendment.

The Chair ruled, pursuant to Rule 7, Section 3(e), that a motion to strike out and insert is indivisible.

Mr. Lindsay withdrew his request for a division of the question.

Mr. L. Johnson asked unanimous consent to be excused. No objections. So ordered.

SPEAKER BAACK PRESIDING

Messrs. Byars, Peterson, and Wehrbein asked unanimous consent to be excused. No objections. So ordered.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Lamb asked unanimous consent to print the following amendment to LB 719A in the Journal. No objections. So ordered.

AM3935

(Amendments to AM3798)

1. Strike section 197 and insert the following new sections:

"Sec. 197. (1) Upon the transfer of any motor vehicle or cabin trailer which is inventory of a motor vehicle dealer, the dealer shall provide evidence to the buyer of liability for or payment of any property tax, ad valorem tax, or fee on the motor vehicle or cabin trailer by the dealer. The evidence may be used by the buyer and a subsequent buyer to reduce the motor vehicle tax due pursuant to section 77-1240.01. The reduction shall be equal to the amount of the tax or fee paid by the dealer reduced proportionately for the number of months remaining in the calendar year from the date of transfer. Any subsequent buyer of the motor vehicle or cabin trailer who receives transfer during the calendar year of the transfer from the dealer to the initial buyer shall be entitled to a reduction based upon the number of months remaining in the calendar year from the date of the subsequent transfer. A buyer shall be entitled to the reduction whether or not the dealer has paid all of the tax or fee. The county assessor and county treasurer shall have the authority to calculate the reductions to motor vehicle tax provided in this section.

(2) For calendar year 1992 only, for transfers of motor vehicles or cabin trailers occurring prior to July 1, 1992, this subsection shall apply and subsection (1) of this section shall not apply. Upon the transfer of any motor vehicle or cabin trailer which is inventory of a motor vehicle dealer, the dealer shall be given a credit or refund of any property tax, ad valorem tax, or fee paid or payable by the dealer for the motor vehicle or cabin trailer for the number of months remaining in the year from the date of transfer. The dealer may claim the credit or refund until July 30, 1993. The claim shall be filed with the county assessor on a form prescribed by the Auditor of Public Accounts. The county assessor shall certify to the county treasurer

the amount of the credit or refund and the taxing unit where the motor vehicle or cabin trailer was located at the time of assessment of the tax or fee. If the dealer has paid the tax or fee on the motor vehicle or cabin trailer, the county treasurer shall pay the refund to the dealer from the undistributed motor vehicle or cabin trailer taxes or fees of the taxing unit where the money was originally distributed, but no refund of less than two dollars shall be paid. If the dealer has not yet paid all of the tax or fee, a credit shall be given.

Sec. 212. The Revisor of Statutes shall assign section 197 of this act to section 77-1240.02.".

2. Renumber the remaining sections accordingly.

Mr. Kristensen asked unanimous consent to print the following amendment to LB 371 in the Journal. No objections. So ordered.

FA362

1. Page 2, line 5, strike "(4)" and insert "(3)"; line 18, strike from "subsection" through "of".

Mr. Wehrbein asked unanimous consent to print the following amendment to LB 754 in the Journal. No objections. So ordered.

AM3930

(Amendments to AM3910)

1. On page 6, strike beginning with the period in line 5 through "transferred" in line 6 and show as stricken; and strike beginning with the underscored period in line 9 through "transferred" in line 10.

2. On page 17, strike lines 22 through 24 and insert "credits shall be funded through the Ethanol Production Incentive Cash Fund but shall not be funded through either the Highway Cash Fund or the Highway Trust Fund. For 1998, 1999, and 2000, the credits provided in section 66-1326 shall be funded through the Ethanol Production Incentive Cash Fund but shall not be funded through either the Highway Cash Fund or the Highway Trust Fund.".

3. On page 18, strike lines 1 through 5.

Mrs. Crosby asked unanimous consent to print the following amendment to LB 728 in the Journal. No objections. So ordered.

AM3902

(Amendments to AM5285)

1. Insert the following new sections:

"Sec. 20. In any custody proceeding heard in this state, the court shall consider, in addition to other factors, the factors prescribed in subdivision (1) of section 42-364 to determine the best interests of the children.

Sec. 21. That section 43-1225, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-1225. Sections 43-1201 to 43-1225 and section 20 of this act shall be known and may be cited as the Nebraska Child Custody Jurisdiction Act.".

2. On page 14, line 9, strike "and" and show as stricken; and in line 11 after "child" insert "; and

(d) Evidence of abuse inflicted on any family or household member. For purposes of this subdivision, the terms abuse and family or household member shall have the meanings prescribed in the Protection from Domestic Abuse Act".

3. On page 20, line 13, strike "section" and insert "sections 43-1225 and".

4. Renumber the remaining sections accordingly.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 111 and 573.

Enrollment and Review Change to LB 111

The following changes, required to be reported for publication in the Journal, have been made:

ER7145

1. On page 1, the matter beginning with "theft" in line 1 through line 5 has been struck and "crimes and offenses; to amend sections 28-514, 28-518, 28-611, and 29-2280, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to theft and issuing a bad check; to authorize court-ordered restitution as prescribed; to harmonize provisions; and to repeal the original sections." inserted.

Enrollment and Review Change to LB 573

The following changes, required to be reported for publication in the Journal, have been made:
ER7135

1. For purposes of correlation with section 18, LB 424, in the Bernard-Stevens amendment, AM3882:

a. Section 9 has been struck and the following new section inserted:

"Sec. 9. That section 70-612, Reissue Revised Statutes of Nebraska, 1943, as amended by section 18, Legislative Bill 424, Ninety-second Legislature, Second Session, 1992, be amended to read as follows:

70-612. (1) Subject to the provisions of Chapter 70, article 6, and subject to the approval of the Nebraska Power Review Board, the board of directors of a district may amend the petition for its creation to provide for the division of the territory of such district into two or more subdivisions for the nomination and election of some or all of the directors. Each subdivision shall be composed of one or more voting precincts, or divided voting precincts, and the total population of each such subdivision shall be approximately the same. Two or more subdivisions may be combined for election purposes, and members of the board of directors to be elected from such combined subdivisions may be nominated and elected at large when not less than seventy-five percent of the population of the combined subdivisions is within the corporate limits of any city. In the event a district formed includes all or part of two or more counties and is ~~(1)~~ (a) engaged in furnishing electric light and power and more than fifty percent of its customers are rural customers or ~~(2)~~ (b) engaged in furnishing electric light and power and in the business of owning and operating irrigation works, then and in that event such subdivisions may be formed by following precinct or county boundary lines without regard to population if in the judgment of the Nebraska Power Review Board the interests of the rural users of electricity or of users of irrigation water service in such district will not be prejudiced thereby.

(2) Any public power district or public power and irrigation district owning and operating irrigation works may, with approval of the Nebraska Power Review Board, add representation on its board of directors from any county which is outside its chartered territory but in which is located some or all of such irrigation works."; and

b. Amendment 2 has been struck and the following new amendment inserted;

"2. On page 25, line 11, strike "and"; and in line 12 after the second comma insert 'and section 70-612, Reissue Revised Statutes of Nebraska, 1943, as amended by section 18, Legislative Bill 424, Ninety-second Legislature, Second Session, 1992,'.".

2. In the Baack amendment, AM2573:

a. On page 12, line 4, "be" has been struck, shown as stricken, and "is" inserted; and

b. On page 21, line 14, "to" has been struck and shown as stricken.

3. On page 1, the matter beginning with "community" in line 1 through line 6 and all amendments thereto have been struck and "political subdivisions; to amend sections 2-3229, 81-829.46, 84-135, and 84-304, Reissue Revised Statutes of Nebraska, 1943, section 81-1201.08, Revised Statutes Supplement, 1990, section 71-5653, Revised Statutes Supplement, 1991, and section 70-612, Reissue Revised Statutes of Nebraska, 1943, as amended by section 18, Legislative Bill 424, Ninety-second Legislature, Second Session, 1992; to create Nebraska planning and development regions; to authorize the formation of development districts; to provide for distribution of financial assistance; to provide powers and duties; to authorize additional representation on boards of directors of public power districts and public power and irrigation districts; to eliminate provisions relating to councils of government, regional planning bodies, designation of regions, and distribution of financial assistance; to harmonize provisions; to provide severability; and to repeal the original sections, and also sections 84-142 to 84-150, Reissue Revised Statutes of Nebraska, 1943." inserted.

(Signed) Eric Will, Chairperson

VISITORS

Visitors to the Chamber were Silke Striezel, Kaethe Bornholdt, and Dieter Hierholz from Germany; three first through fifth grade students and teacher from Newman Grove; Senator Lamb's son, Phil Lamb, from Washington; 35 fourth grade students and teachers from Mockingbird Elementary, Ralston; 30 fourth grade students and teachers from Morton School, Hastings; Mr. and Mrs. Robert Heider from Hebron; nine seniors and sponsor from Hastings; 61 forth grade students and teacher from Wasmer Elementary, Grand Island; 42 fifth grade students and teachers from Elkhorn Valley Elementary, Tilden; and Bruce Eberly.

The Doctor of the Day was Bill Lyons from Kearney.

MOTION - Adjournment

Mrs. Labedz moved to adjourn until 9:00 a.m., Friday, April 3, 1992. The motion prevailed with 17 ayes, 12 nays, 2 present and not voting, and 18 excused and not voting, and at 9:43 p.m., the Legislature adjourned until 9:00 a.m., Friday, April 3, 1992.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-FOURTH DAY - APRIL 3, 1992

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

NINETY-SECOND LEGISLATURE
SECOND SESSION

FIFTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, April 3, 1992

Pursuant to adjournment, the Legislature met at 9:03 a.m., Speaker Baack presiding.

PRAYER

The prayer was offered by Pastor Mark Rosenau, Chaplain, State Penitentiary.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Ashford, Chambers, Dierks, Hall, Lynch, Morrissey, Will, Withem, Mmes. Labedz, Pirsch, Rasmussen, Robak, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-third day was approved.

REPORT OF THE EXECUTIVE BOARD

1992 Resolutions Calling For a Study

225	To conduct an interim study as to whether the position of Director of Agriculture may be made stronger and develop closer ties with its constituency if the position were an elected office rather than appointed office. Agriculture
232	To conduct an interim study to determine the benefits and costs to the state of participating in such a project. Appropriations

240 To examine all aspects of the public power industry in Nebraska including, but not limited to, merger of power districts, merger or power and irrigation districts, joint planning of both power supply and transmission facilities, access to transportation lines, and management of resources. Natural Resources

241 To examine the practice of using judicial nominating commissions in the selection of judges. Judiciary

242 To study whether legislation requiring purchasers of beer kegs to fill out a form with their name, address, and other information on it which corresponds to a numbered identification sticker on the keg. General Affairs

244 To study the problem of overcrowding in Nebraska's public schools, specifically addressing student-teacher ratios; the relationship, if any, of student-teacher ratios to graduation rates; and any other issue the committee deems necessary to carry out the study. Education

245 To examine, in cooperation with the Game and Parks Commission, the Nebraska state park system and its recreational facilities and activities to determine any needs and inequities within the system. Natural Resources

259 To study the financial aid system as it impacts Native American students for the state colleges and universities. To study the availability and coordination of tuition assistance and tuition remission programs and policies as it applies to Native American students within the state higher education system. Education

265 To examine the quarterhorse racing industry in the State of Nebraska. The study shall examine methods of improving the financial viability of the quarterhorse racing industry. General Affairs

274 To study and review the prices of motor fuels to determine if there is unfair competition in the marketing of motor fuels in the State of Nebraska, thereby reducing the places where the consuming public can purchase fuel. General Affairs

275 To examine the feasibility of allowing educators who have taught in private schools but who are now teaching in public schools the opportunity to buy back from the school retirement system the

years they spent teaching in private school. Nebraska Retirement Systems

279 To study the rules of the Nebraska Legislature. Because the rules are essential to ensuring that the Legislature is conducted in a smooth and orderly fashion, the Legislature needs to study its present rules for inadequacies and omissions. Rules

282 To examine the following seven areas of Nebraska's Employment Security Law: 1) negative balance employer contribution rates; 2) new employer tax rates; 3) seasonal employment; 4) taxable wage base; 5) the disqualification methods; 6) the determination of contribution rates by either having a range of contribution rates depending on the balance in the Unemployment Compensation Fund or by some other method; and 7) benefits. Business and Labor

283 To study the feasibility of having the Department of Labor be responsible for all state and federal job training programs. Business and Labor

284 To examine age discrimination in Nebraska workplaces. Business and Labor

285 To conduct a study regarding the implementation of a gross receipts tax for the sole purpose of providing funds to operate the public schools and community colleges in this state. Revenue

286 To review the Certificate of Need process in Nebraska, including: 1) the effectiveness of the current Certificate of Need procedural process and the interaction of the Certificate of Need committee with the Dept. of Health; and 2) the impact of the decisions made in the Certificate of Need process on the access, availability, and cost of health care services in rural and urban areas. Health and Human Services

287 To review Nebraska's laws on motor vehicle registration, including a review of the state's policy on the registration of vehicles of nonresident owners, the registration of vehicles by Nebraska residents in other states, the penalties for improper registration, the adequacy of law enforcement and the methods used to enforce the registration laws, the respective roles and duties of the Dept. of Motor Vehicles and county officials in the registration process, any agreements entered into with other states, vehicles which may be exempt from registration, and the

collection of personal property taxes on motor vehicles which are registered and those which are not. Transportation

288 To consider a method of stabilizing milk prices for dairy producers, thus insuring a steady flow of milk for processing. Agriculture

289 To identify and investigate the potential value the state would derive from: 1) developing ground water and surface water supplies for transfer and sale to users within and outside the state, and 2) purchasing existing water rights for transfer and sale to users within and outside the state. Natural Resources

290 To examine the need for amending the statutes relating to public records, specifically those statutes relating to confidentiality, including a review of the testimony from the hearing on LB 1073, the implications and impact of the Unmarked Human Burial Sites and Skeletal Remains Protection Act, the implications and impact of the federal Native American Graves Protection and Repatriation Act. Government, Military and Veterans Affairs

292 To study the feasibility of adopting a limited liability company act in this state. Banking, Commerce and Insurance

293 To conduct an interim study to examine the need for the continuing existence of the State Athletic Commissioner, to identify any needs or deficiencies in the operation of the office of the State Athletic Commissioner, and to explore the possibilities of alternatives to the office of the State Athletic Commissioner. Government, Military and Veterans Affairs

294 To examine the funding formula for community action agencies in Nebraska. Health and Human Services

295 To develop a method for implementing accessibility standards to replace outmoded accessibility standards for public buildings in the State of Nebraska. Health and Human Services

296 To study alternative tax bases and revenue sources for funding state and local services. Revenue

297 To study Nebraska's overall tax system, examining the relationship between and utilization of the sales tax and the income tax as well as local property taxes and user fees, examining exemptions from each of such tax bases and other tax

expenditures; also focusing on ways to make the overall tax system more fair, more efficient, and more consistent in promoting the tax policy of the state. Revenue

298 To require training program and certification process for public safety telecommunications. Government, Military and Veterans Affairs

299 To study methods of developing and promoting a statewide series of regional farmers' market cooperatives, how such farmer's market cooperatives can increase farm income, and how such farmer's market cooperatives can be promoted in conjunction with current efforts to promote agricultural products and agricultural tourism in Nebraska. Agriculture

300 To consider updating and rewriting Nebraska law regarding the Nebraska Disaster and Civil Defense Act of 1973. Government, Military and Veterans Affairs

301 To study the impact of LB 1063 on farmers, ranchers, agribusinesses, investments in agricultural enterprises, and rural communities; to review the cost effectiveness of collecting personal property tax revenue; and to compile county-by-county estimates of the personal property tax revenue to be generated by LB 1063. Revenue

302 To examine the feasibility of creating a state agricultural council representing the various farm organizations, commodity organizations, agricultural development and promotion boards, and agribusiness organizations for the purpose of: 1) reviewing and making recommendations regarding legislation affecting agriculture in Nebraska; 2) coordinating the development and utilization of agricultural resources; and 3) promoting the sale of Nebraska agricultural products. Agriculture

303 To study the current statutory requirements for registration fees and device inspection fees for scales and measuring devices administered by the Nebraska Dept. of Agriculture; to review the cost effectiveness of annual inspections of scales and measuring devices; and to determine the impact of biennial registration and inspection of scales and measuring devices. Agriculture

304 To authorize Dept. of Agriculture to assume administration of Federal Insecticide, Fungicide, and Rodenticide Act. Agriculture

305 To review election laws in conjunction with the new State Election Board proposed by LB 1133, 92nd Legislature, Second Session 1992, complete the rewrite of LB 572, 92nd Legislature, First Session, 1991, and the recodification of Chapter 32 and other election laws. Government, Military and Veterans Affairs

306 To review uniform compensation, per diem, etc. for state boards and commissions. Government, Military and Veterans Affairs

307 To conduct an interim study on the need for laws relating to acquisition of title of abandoned property left with them. Government, Military and Veterans Affairs

308 To study and review the Administrative Procedure Act to determine if there are needed changes to the act. Government, Military and Veterans Affairs

309 To study, examine, codify, and simplify the laws relating to the gasoline tax and the special fuels tax, as the taxes on gasoline and special fuels represent a significant portion of revenue collected in the state. Revenue

310 To examine the duties and responsibilities of the Nebraska Gasohol Committee and the Ethanol Authority and Development Board and to determine the efficiency and need for each. Natural Resources

311 To compile data on hate crimes and institutional vandalism in Nebraska, study constitutional issues of proposed hate crimes legislation, and gather input through hearings regarding proposed hate crimes legislation. Judiciary

312 To determine the impact of gun injuries and deaths on children and families in Nebraska and to examine the possibilities of formulating, developing, and implementing such gun safety information in our educational system. Judiciary

313 To conduct an interim study on the issue of guns found in Nebraska schools and investigate gun-related violence in and near our schools, including but not limited to: complication of the last four years reported incidents of guns found on school property; relevant surveys of school children's opinions regarding safety in their schools; if warranted; and hearings that will gather testimony of schools officials, teachers, police, parents, and other interested persons. Judiciary

314 To examine the present situation involving patrolling portions of the interstate located within city limits of Nebraska cities. Government, Military and Veterans Affairs

315 To conduct an interim study whether programs that are currently administered by the Dept. of Aging could be adequately administered by other agencies on both the state and local levels; whether the cost/benefit ratio associated with the existence of the Dept. of Aging justifies its continued existence; and what the effect, positive and negative, would be if the Dept. of Aging were eliminated. Health and Human Services

317 To examine the liability exposure of the State of Nebraska under the current State Tort Claims Act and other state and federal laws and a review of the impact of recent changes in state negligence law on state government. Judiciary

318 To study whether Nebraska should enact Article VI of the Uniform Probate Code: Nonprobate Transfers on Death (1989). Judiciary

319 To study whether Nebraska should enact the Uniform Transfer of Litigation Act (1991 Act). Judiciary

320 To study whether Nebraska should enact the Uniform Premarital Agreement Act (1983 Act). Judiciary

321 To study whether Nebraska should enact the Uniform Enforcement of Foreign Judgements Act (1964 Act) in place of the Nebraska version of the Uniform Enforcement of Foreign Judgements Act (1948 Act). Judiciary

322 To consider updating and rewriting Nebraska law regarding credit life insurance and credit health and accident insurance. Banking, Commerce and Insurance

323 To examine Multiple Employer Welfare Arrangements (MEWAs) which are providing health insurance in Nebraska and consider options for the appropriate regulation of these entities. Banking, Commerce and Insurance

324 To conduct a study on the evaluation of the use and effect of work assignments on incarcerated offenders; consultation of members of private industry and the Dept. of Correctional

Services to determine their response and concerns to expanding their involvement in the private employment of offenders; and to study the issues surrounding the feasibility and possible methods of expanded private industry involvement in the employment of offenders. Judiciary

325 To review the "truth-in-sentencing" provisions proposed by LB 1221, 92nd Legislature, Second Session, 1992, and issues relating to criminal sentence determinations. Judiciary

326 To assess whether means other than the general fund exist for providing stable funding for crime victims reparations and victim/witness assistance programs. Judiciary

327 To study questions and issues relating to the parole process and the parole board. Judiciary

328 To authorize a comprehensive study of the public employees retirement systems administered by the Public Employees Retirement Board. Nebraska Retirement Systems

329 To examine the need for amending the statutes relating to the imposition of a $4.00 per ton tax on commercial fertilizer and soil conditioners, specifically those statutes affected by LB 1063, 92nd Legislature, Second Session, 1992. Revenue

330 To determine whether the Public Service Commission or another governmental entity should have jurisdiction and authority to consider the possible effects of electromagnetic fields upon the public health when an electrical transmission line placement application is under consideration by the Public Service Commission. Natural Resources

331 To review the Small Claims Court process. Judiciary

332 To examine the business policies and practices of physicians, hospitals, health care insurers, and their assistants who provide health care services while using false or fictitious names or identities. Judiciary

333 To examine the practices of health care insurers and their subsidiaries and employees in order to determine whether any violations or possible violations of federal or state antitrust provisions or any other criminal or civil provisions exist as the Legislature tries to insure that quality health care, particularly

health care products and pharmaceuticals delivered under or paid in whole or in part by health care insurers, is available and affordable for the consumer and the State of Nebraska. Banking, Commerce and Insurance

334 To examine the parking situation for state employees. Appropriations

335 To study: 1) the means of support available to injured persons during the period after an accident and when the injured person is able to return to meaningful employment; and 2) the effect of having lending institutions accept interest-only payments on principal balances of loans from an injured person while the injured person has limited income and until he or she has returned to work. Banking, Commerce and Insurance

336 To examine computer hardware and software needs in senators' offices, which information shall be used to planning and developing a budget request for the next biennium. Executive Board

337 To conduct an interim study of systems used in other states to identify, track, analyze, determine the cost of, influence, or oppose federal mandates which would be funded by the State of Nebraska or any of its political subdivisions, and any other considerations relevant to reducing the impact of federal mandates on the state budget. Appropriations

338 To study the duties, obligations, and responsibilities of divorced and separated parents relating to extracurricular social activities of their minor children and whether such duties, obligations, and responsibilities would require statutory authorization or mandates to effect more positive interactions between divorced parents of children in this state. Judiciary

339 To review the activities of the Geographic Information System acquisition and data collection by agencies involved in natural resources planning, management, and regulations. Appropriations

340 To propose an interim study of the Nebraska Rules of the Road. To examine the rules of the road and prepare for introduction legislation which would revise and recodify the provisions of Chapter 39, article 6, of the Reissue Revised Statutes of Nebraska. Transportation

341 To study issues regarding arbitration and particularly such issues which arise under the Constitution of Nebraska. Judiciary

342 To study the financial aid system, including the State Scholarship Award Program, the Scholarship Assistance Program, the Postsecondary Education Award Program, the federal Pell Grant, as it impacts various groups of students attending state colleges, universities, and private technical and vocational schools and to study the availability and coordination of tuition assistance and tuition remission programs and policies as they apply to minority students, including, but not limited to, Native Americans, students identified as "most needy", and students who not qualify as most needy but who must have financial assistance to complete the postsecondary programs. Education

343 To conduct a study of the various groups and organizations participating in Nebraska's school restructuring effort and provide at least one public hearing to the purpose of evaluating the progress made and problems encountered by each participant. Education

344 To conduct an interim study to research the process of a city marketing bonds and the feasibility of requiring a city to initiate a bidding process for such bonds. Urban Affairs

345 To study alternatives to the enrollment tiers currently used to distribute state aid for education and such related topics as fiscal incentives, transportation, students with special needs, and other issues related to the determination of formula need in the equalization formula. Education

346 To continue to examine the workload of the University of Nebraska faculty, within the context of current role and mission assignments, in accordance with LR 148 which was initiated by the members of the 92nd Legislature of Nebraska, First Session. Education and Appropriations

347 To examine the impact of affiliation and option legislation as they relate to annexation pursuant to section 79-901. Education

348 To conduct an interim study to investigate the issue of allowing state agencies, boards, commissions, and political subdivisions to use telecommunications processes in order to conduct public meetings. Government, Military and Veterans Affairs

349 To conduct a joint interim study of the research programs of the University of Nebraska which have received funding support from the Nebraska Research Initiative; including but not limited to, tours of research facilities on the Lincoln and Omaha campuses of the University of Nebraska and at least one public hearing in Lincoln and one public hearing in Omaha; and that the committees shall upon the conclusion of their study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature. Appropriations and Education

350 To study emergency medical services in the State of Nebraska. Health and Human Services

351 To examine the concept of initiating a scenic byways program in the State of Nebraska. Government, Military and Veterans Affairs and Transportation

352 To examine circumstances in which parents relinquished their rights as parents to their children in order to obtain needed services for their children by making them wards of the state. Health and Human Services

353 To examine the potential impact of casino gambling in surrounding states on the economy of and legal gaming activities in the State of Nebraska. General Affairs

354 To examine issues concerning the regulation of the use of alcoholic liquor in the State of Nebraska. General Affairs

355 To examine the potential impact of legalization of video keno machines or similar games on other legal gaming activities in the State of Nebraska. General Affairs

356 To examine requiring Nebraska school districts to provide for a structured, supervised environment for its students between 7:30 a.m. and 5:30 p.m. each school day, with supervision not necessarily performed by a certified teacher unless instruction is taking place. Education

357 To study the ramifications of changing the definition of a minor to include unmarried children under the age of twenty-two who are attending school full-time (pursuing a high school diploma or its equivalent or vocational-technical training or a college or

community college degree), and the consequences of allowing the extension of child support to those between the ages of nineteen and twenty-two so long as they are attending school full-time, and to determine whether other states allow similar child support options. Judiciary

358 To study the operating structure and legal authority of the Game and Parks Commission. Natural Resources

359 To study judicial redistricting as it pertains to district and county courts, specifically to determine the financial costs of maintaining existing districts, to identify possible alternative districts, to identify the probable financial and service consequences of such alternative districts, and to examine judicial redistricting in other states. Judiciary

360 To explore two concepts related to the initiative and referendum processes in Nebraska. Government, Military and Veterans Affairs

361 To study residential real estate closings in Nebraska. Banking, Commerce and Insurance

362 To study Nebraska's laws on the reimbursement rate for the use of private aircraft when traveling for the purpose of state business. Appropriations

363 To conduct an interim study on the feasibility, effects, and statutory mechanism for decreasing the number of Public Service Commissioners from five to three. Transportation

364 To examine the economic status of women and their families. Business and Labor

365 To examine the Interstate Agricultural Grain Marketing Commission's activities and achievements as they relate to the responsibilities, duties, and goals of the commission as prescribed in the Interstate Compact on Agricultural Grain Marketing. Agriculture

366 To review Nebraska law regarding the collection of sales and ad valorem taxes on motor vehicles. Transportation

367 To review Nebraska governmental entities overseeing natural resources, especially water quality and water quantity, such as the

Dept. of Environmental Control, the Nebraska Natural Resources Commission, the Dept. of Health, the Game and Parks Commission, and natural resources districts, to determine whether the organizational structure of those entities could be strengthened or combined in order to improve regulation of water quality and quantity. The review will include identification of similar agencies in other states. Natural Resources

368 To study related water issues in connection with the state's natural resources districts in order to determine (1) the probable future costs of managing ground water quality and quantity by obtaining an assessment of those costs from the natural resources districts, which estimated costs assessment shall include ground water management areas, special ground water quality protection areas, and ground water control areas, and whether there is continuing ground water pollution and continuing ground water depletion within each natural resources district and to identify each natural resources district's efforts to correct ground water pollution and ground water depletion, as well as examine the practical problems and consequences of taxing fertilizers and pesticides. Natural Resources

369 To examine the management by public power districts, public power and irrigation districts, irrigation districts, and natural resources districts of Nebraska's water, power, and environmental resources. Natural Resources

370 To examine the need for amending the statutes relating to preferred providers which were first authorized by the Legislature in 1984 as one of several health care cost containment measures enacted by the Legislature. Banking, Commerce and Insurance and Health and Human Services

371 To study the feasibility and utility of instituting a uniform and universal local sales tax in place of the Local Option Revenue Act. Revenue

372 To study the need for construction of a minimum-medium correctional facility. Judiciary

373 To examine Nebraska's laws pertaining to the issuance of dealer license plates. Transportation

374 To examine whether total repeal of the personal property tax would lend stability and greater acceptability to Nebraska's

overall revenue structure and to explore alternative revenue sources for the support of local governments. Revenue

375 To involve a review of the issues in LB 1253 and other related matters and a study of the issue of municipal natural gas franchises and their renewal and possible funding sources for studies undertaken in their regard by individual municipalities. Urban Affairs

376 To gather data from existing sources and to generate new data on the present status of municipal utility services. Urban Affairs

377 To extract from the broader statutes all of those relevant, individual sections for review and discussion in the light of the proposed issues raised by the two bills (LB 1106, dealing with the statutory provisions on the deposits made by municipalities into certain financial institutions and LB 1256, requiring an open-bidding process for the issuance of bonds by cities and villages). Urban Affairs

378 To study the issues involved with municipal annexation as it involves municipal officials as well as representatives of various groups of people that live in fringe areas near Nebraska cities. Urban Affairs

379 To conduct an interim study to solicit comments from municipalities around the state on their experience with the legislation as well as from handicapped individuals and organizations representing handicapped individuals. Urban Affairs

380 To conduct an interim study to propose a review of the current statutes with the assistance of the affected cities and counties and museums to determine what changes are necessary to enable them to operate efficiently and cooperatively with one another while preserving the public interest and investment in the facilities. Urban Affairs

381 To conduct an interim study to review current animal control statutes and solicit comments on them from the general public as well as municipal animal control authorities and experts. Urban Affairs

382 To conduct an interim study to repeat the process begun with LR 95 in the 1989 interim period and provide a forum during the

interim period for municipalities and their representatives, as well as other interested parties, to present issues which could be the subject of future legislation or to solicit their reaction to proposals which have been presented to the committee for future consideration. Urban Affairs

383 To form a select committee of senators to continue the work begun by the committee formed in LR 205, 1992. Executive Board

384 To study ways to make improvements in the delivery of public health services in Nebraska. Health and Human Services

385 To determine whether it should continue to be the policy of the State of Nebraska that birth and death certificates be open records. Health and Human Services

386 To study the Nebraska Mental Health Commitment Act and the need for modification of that act, including the feasibility of adopting the American Psychiatric Association's Model Mental Health Commitment Act and other model legislation concerning mental health commitment. Health and Human Services

387 To examine the general licensure laws in Nebraska governing the various Boards of Examiners within the Dept. of Health. Health and Human Services

388 To examine job support services to persons with developmental disabilities and the degree of cooperation among the various providers of services to persons with developmental disabilities, including services provided by the Division of Rehabilitation Services of the State Dept. of Education and shall include an examination of the location of the division. Health and Human Services and Education

389 To continue the examination of the need for family resource centers in Nebraska. Health and Human Services

390 To examine the funding formula for community action agencies in Nebraska. Health and Human Services

391 To address the issues raised by LB 514, 92nd Legislature, 1991, and various associated concerns. Health and Human Services

392 To study the procedures followed by state agencies and political subdivisions to collect delinquent fines, fees, accounts, or payments. Government, Military and Veterans Affairs

393 To examine health care and medicaid programs and the costs associated with those programs and the costs associated with those programs as they relate to Nebraska. Appropriations (4), Revenue (4), Health and Human Services (4)

394 To examine the history, use, procedure, and purpose for the natural resources districts' exercise of eminent domain. Natural Resources

395 To examine alternative and innovative ways of improving access to health care in rural Nebraska. Health and Human Services

396 To examine the health care needs of Nebraskans. Health and Human Services

397 To examine services in Nebraska to children and their families. Health and Human Services

398 To monitor the implementation of all aspects of the Developmental Disabilities Act. Health and Human Services and Education

400 To examine the need for a state housing fund. Health and Human Services

401 To explore the possibility of providing liability protection to the many individuals who contribute their valuable knowledge and services as unpaid volunteers in the performance of various programs administered by the state, nonprofit organizations, or other community services in the State of Nebraska. Judiciary

402 To examine problems and concerns regarding adoption in Nebraska. Judiciary and Health and Human Services

403 To study the issues raised by LB 353 (to upgrade licensing standards for private investigators and private investigation agencies in the state). Government, Military and Veterans Affairs

404 To examine appropriate levels of regulation of charitable gaming activities in the State of Nebraska. General Affairs

405 To conduct an interim study to examine how our state's mental health services, including inpatient, outpatient, and informational services, are administered through the Dept. of Public Institutions and the regional structure. Executive Board

406 To study guardianships and conservatorships, including the duties and responsibilities of guardians and conservators, whether or not guardians and conservators should be trained, and whether or not there should be expedited hearings after the entry of an ex parte order appointing a temporary guardian or conservator. Judiciary

407 To review human service and health status issues. Health and Human Services

408 To investigate the problems caused by the reentry of students from home schools back into the public school setting. Education

409 To examine the implementation of the consumer based reimbursement system proposed by the Dept. of Public Institutions and its effect on the community based mental health system. Health and Human Services

410 To authorize a study and review regarding the necessity of legislation to address agricultural chemical containment and the protection of Nebraska's groundwater. Natural Resources

411 To study the role and effect of controlled business in the Nebraska title insurance industry. Banking, Commerce and Insurance

412 To consider the adequacy of probation officer's salaries; the feasibility of an addition to court costs to fund probation officers' salaries; drug testing by probation officers and the expenditure of receipts from drug testing fees; and assignment of jurisdictional responsibility for both probation and parole to a single organizational entity. Judiciary

413 To examine the rules and practices of committee chairpersons, members, and witnesses who appear before the legislative committees in light of the Legislature's purpose to refrain from unfairly restricting testimony of citizens of the State of Nebraska while at the same time taking the necessary steps to assure that testimony pertaining to any individual or group is truthful, not

malicious, and pertinent to the bill or issue being addressed at the committee hearing. Rules

414 To examine if effective transportation networks by the use of advance planning units could result in reducing duplication and increasing efficiencies and economic development in Nebraska's road system as well as increasing federal funding. Transportation

415 To study the following issues related to the judiciary: 1) allocation of an need for judicial resources; 2) efficiency in the administration and use of the courts; 3) abolishment of the exclusive jurisdiction of the district court in uncontested dissolution of marriage cases; and advanced communication systems for judges, including the use of facsimile machines, computer networks, and teleconferencing. Judiciary

416 To study methods of maintaining and improving worker productivity in view of changing family structures and roles through innovations in the structure of the workplace and worker schedules. Business and Labor

419 To review Nebraska Highway Needs Process Study. Transportation

420 To conduct an interim study to study the role of county government in providing human services. Health and Human Services and Appropriations

(Signed) Jerome Warner, Chairperson
Executive Board

UNANIMOUS CONSENT - Print in Journal

Mr. Kristensen asked unanimous consent to print the following amendment to LB 291 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM3901.)

Mr. Kristensen asked unanimous consent to print the following amendment to LB 291 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM3915.)

Mr. Dierks asked unanimous consent to print the following amendment to LB 1001 in the Journal. No objections. So ordered.

(Amendment on file in the Clerk's Office - Room 2018 - AM3941.)

SELECT FILE

LEGISLATIVE BILL 447A. E & R amendment, AM5287, found in the Journal on page 1812, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1241A. Mr. Peterson renewed his pending amendment, AM3926, found in the Journal on page 1873.

The Peterson amendment was adopted with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 719A. Mr. Hefner moved to suspend the rules, Rule 5, Section 6(f) and Rule 7, Section 3(d) to permit consideration of AM3777 to LB 719A.

The Hefner motion to suspend the rules prevailed with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

Messrs. Hefner, Lamb, and Schellpeper renewed their pending amendment, AM3777, found in the Journal on page 1740.

Mr. Chizek asked unanimous consent to be excused until he returns. No objections. So ordered.

The Hefner et al. amendment was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Mr. Warner moved to suspend the rules, Rule 5, Section 6(f) and Rule 7, Section 3(d) to permit consideration of AM3798 to LB 719A.

The Warner motion to suspend the rules prevailed with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

Messrs. Warner and Withem renewed their pending amendment, AM3798, printed separately from the Journal and referred to on page 1744.

Mr. Hall renewed the Lindsay pending amendment, AM3839, found in the Journal on page 1800, to the Warner-Withem pending amendment.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

The Lindsay amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Mrs. Crosby renewed her pending amendment, AM3908, found in the Journal on page 1830, to the Warner-Withem pending amendment.

The Crosby amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Mr. Landis offered the following amendment to the Warner-Withem pending amendment:
AM3922

(Amendments to AM3798)

1. Insert the following new section:

"Sec. 90. That section 21-303, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

21-303. (1) At the time of filing such annual report it shall be the duty of every corporation for profit, and registered in the office of the Secretary of State on January 1, whether incorporated under the laws of this state or incorporated under the laws of any other state when such corporations shall have domesticated in this state, to pay to the Secretary of State an annual fee for the calendar year beginning January 1, which fee shall be due and assessable on such date and delinquent if not paid on or before ~~(1) August 1, 1982, or (2) April 15, 1983, and~~ April 15 of each year. ~~thereafter, as follows:~~

(2) Except as provided in subsection (3) of this section, the annual fee shall be as follows: When the paid-up capital stock of a corporation does not exceed ten thousand dollars, a fee of thirteen dollars; when such paid-up capital stock exceeds ten thousand dollars but does not exceed twenty thousand dollars, a fee of twenty dollars; when such paid-up capital stock exceeds twenty thousand dollars but does not exceed thirty thousand dollars, a fee of thirty dollars; when such paid-up capital stock exceeds thirty thousand

dollars but does not exceed forty thousand dollars, a fee of forty dollars; when such paid-up capital stock exceeds forty thousand dollars but does not exceed fifty thousand dollars, a fee of fifty dollars; when such paid-up capital stock exceeds fifty thousand dollars but does not exceed sixty thousand dollars, a fee of sixty dollars; when such paid-up capital stock exceeds sixty thousand dollars but does not exceed seventy thousand dollars, a fee of seventy dollars; when such paid-up capital stock exceeds seventy thousand dollars but does not exceed eighty thousand dollars, a fee of eighty dollars; when such paid-up capital stock exceeds eighty thousand dollars but does not exceed ninety thousand dollars, a fee of ninety dollars; when such paid-up capital stock exceeds ninety thousand dollars but does not exceed one hundred thousand dollars, a fee of one hundred dollars; when such paid-up capital stock exceeds one hundred thousand dollars but does not exceed one hundred twenty-five thousand dollars, a fee of one hundred twenty dollars; when such paid-up capital stock exceeds one hundred twenty-five thousand dollars but does not exceed one hundred fifty thousand dollars, a fee of one hundred forty dollars; when such paid-up capital stock exceeds one hundred fifty thousand dollars but does not exceed one hundred seventy-five thousand dollars, a fee of one hundred sixty dollars; when such paid-up capital stock exceeds one hundred seventy-five thousand dollars but does not exceed two hundred thousand dollars, a fee of one hundred eighty dollars; when such paid-up capital stock exceeds two hundred thousand dollars but does not exceed two hundred twenty-five thousand dollars, a fee of two hundred dollars; when such paid-up capital stock exceeds two hundred twenty-five thousand dollars but does not exceed two hundred fifty thousand dollars, a fee of two hundred twenty dollars; when such paid-up capital stock exceeds two hundred fifty thousand dollars but does not exceed two hundred seventy-five thousand dollars, a fee of two hundred forty dollars; when such paid-up capital stock exceeds two hundred seventy-five thousand dollars but does not exceed three hundred thousand dollars, a fee of two hundred sixty dollars; when such paid-up capital stock exceeds three hundred thousand dollars but does not exceed three hundred twenty-five thousand dollars, a fee of two hundred eighty dollars; when such paid-up capital stock exceeds three hundred twenty-five thousand dollars but does not exceed three hundred fifty thousand dollars, a fee of three hundred dollars; when such paid-up capital stock exceeds three hundred fifty thousand dollars but does not exceed four hundred thousand dollars, a fee of three hundred thirty-three dollars; when such paid-up capital stock exceeds four hundred thousand dollars but does not exceed four hundred fifty thousand dollars, a fee of three hundred sixty-five dollars; when such paid-up capital stock exceeds four hundred fifty thousand dollars but does not exceed five hundred thousand dollars, a fee of four hundred dollars; when such paid-up capital stock exceeds five hundred thousand dollars but does not exceed six hundred thousand dollars, a fee of four hundred fifty-five dollars; when such paid-up capital stock exceeds six hundred thousand dollars but does not exceed seven hundred thousand dollars, a fee of five hundred five dollars; when such paid-up capital stock exceeds seven hundred thousand dollars but does not exceed eight hundred thousand dollars, a fee of five hundred sixty dollars; when such paid-up capital stock exceeds eight hundred thousand dollars but does not exceed nine hundred thousand dollars, a fee of six hundred fifteen dollars; when such paid-up capital stock exceeds nine hundred thousand dollars but does not exceed one million dollars, a fee of six hundred sixty-five dollars; when such paid-up capital stock exceeds one million dollars but does not exceed ten million dollars, a fee of six hundred sixty-five dollars, and four hundred dollars additional for each million or fraction thereof over and above one million dollars; when such paid-up capital stock exceeds ten million dollars but does not exceed fifteen million dollars, a fee of six thousand dollars; when such paid-up capital stock exceeds fifteen million dollars but does not exceed twenty million dollars, a fee of seven thousand three hundred thirty dollars; when such paid-up capital stock exceeds twenty million dollars but does not exceed twenty-five million dollars, a fee of eight thousand six hundred sixty-five dollars; when such paid-up capital stock exceeds twenty-five million dollars but does not exceed fifty million dollars, a fee of ten thousand three hundred thirty dollars; when such paid-up capital stock exceeds fifty million dollars but does not exceed one hundred million dollars, a fee of ten thousand six hundred sixty-five dollars; and when such paid-up capital stock exceeds one hundred million dollars, a fee of eleven thousand nine hundred ninety-five dollars. The minimum annual fee for filing such report shall be thirteen dollars. For purposes ~~; PROVIDED, for the purpose~~ of determining the annual fee, the stock of corporations incorporated under the laws of any other state, which corporations ~~shall~~ have domesticated in this state~~,~~ and which stock is without par value, shall be deemed to have a par value of an amount equal to the amount paid in as capital for such shares at the time of the issuance thereof.

(3) For 1993 and 1994, the annual fee shall be as follows: When the paid-up capital stock of a corporation does not exceed ten thousand dollars, a fee of forty-three dollars; when such paid-up capital stock exceeds ten thousand dollars but does not exceed twenty thousand dollars, a fee of fifty dollars; when such paid-up capital stock exceeds twenty thousand dollars but does not exceed thirty thousand dollars, a fee of sixty dollars; when such paid-up capital stock exceeds thirty thousand dollars but does not exceed forty thousand dollars, a fee of seventy dollars; when such paid-up capital stock exceeds forty thousand dollars but does not exceed fifty thousand dollars, a fee of eighty dollars; when such paid-up capital stock exceeds fifty thousand dollars but does not exceed sixty thousand dollars, a fee of ninety dollars; when such paid-up capital stock exceeds sixty thousand dollars but does not exceed seventy thousand dollars, a fee of one hundred dollars; when such paid-up capital stock exceeds seventy thousand dollars but does not exceed eighty thousand dollars, a fee of one hundred ten dollars; when such paid-up capital stock exceeds eighty thousand dollars but does not exceed ninety thousand dollars, a fee of one hundred twenty dollars; when such paid-up capital stock exceeds ninety thousand dollars but does not exceed one hundred thousand dollars, a fee of one hundred thirty dollars; when such paid-up capital stock exceeds one hundred thousand dollars but does not exceed one hundred twenty-five thousand dollars, a fee of one hundred eighty dollars; when such paid-up capital stock exceeds one hundred twenty-five thousand dollars but does not exceed one hundred fifty thousand dollars, a fee of two hundred dollars; when such paid-up capital

stock exceeds one hundred fifty thousand dollars but does not exceed one hundred seventy-five thousand dollars, a fee of two hundred twenty dollars; when such paid-up capital stock exceeds one hundred seventy-five thousand dollars but does not exceed two hundred thousand dollars, a fee of two hundred forty dollars; when such paid-up capital stock exceeds two hundred thousand dollars but does not exceed two hundred twenty-five thousand dollars, a fee of two hundred sixty dollars; when such paid-up capital stock exceeds two hundred twenty-five thousand dollars but does not exceed two hundred fifty thousand dollars, a fee of two hundred eighty dollars; when such paid-up capital stock exceeds two hundred fifty thousand dollars but does not exceed two hundred seventy-five thousand dollars, a fee of three hundred dollars; when such paid-up capital stock exceeds two hundred seventy-five thousand dollars but does not exceed three hundred thousand dollars, a fee of three hundred twenty dollars; when such paid-up capital stock exceeds three hundred thousand dollars but does not exceed three hundred twenty-five thousand dollars, a fee of three hundred forty dollars; when such paid-up capital stock exceeds three hundred twenty-five thousand dollars but does not exceed three hundred fifty thousand dollars, a fee of three hundred ninety dollars; when such paid-up capital stock exceeds three hundred fifty thousand dollars but does not exceed four hundred thousand dollars, a fee of four hundred twenty-three dollars; when such paid-up capital stock exceeds four hundred thousand dollars but does not exceed four hundred fifty thousand dollars, a fee of four hundred fifty-five dollars; when such paid-up capital stock exceeds four hundred fifty thousand dollars but does not exceed five hundred thousand dollars, a fee of four hundred ninety dollars; when such paid-up capital stock exceeds five hundred thousand dollars but does not exceed six hundred thousand dollars, a fee of five hundred forty-five dollars; when such paid-up capital stock exceeds six hundred thousand dollars but does not exceed seven hundred thousand dollars, a fee of five hundred ninety-five dollars; when such paid-up capital stock exceeds seven hundred thousand dollars but does not exceed eight hundred thousand dollars, a fee of six hundred fifty dollars; when such paid-up capital stock exceeds eight hundred thousand dollars but does not exceed nine hundred thousand dollars, a fee of seven hundred five dollars; when such paid-up capital stock exceeds nine hundred thousand dollars but does not exceed one million dollars, a fee of seven hundred fifty-five dollars; when such paid-up capital stock exceeds one million dollars but does not exceed ten million dollars, a fee of seven hundred eighty-five dollars, and four hundred dollars additional for each million or fraction thereof over and above one million dollars; when such paid-up capital stock exceeds ten million dollars but does not exceed fifteen million dollars, a fee of six thousand one hundred twenty dollars; when such paid-up capital stock exceeds fifteen million dollars but does not exceed twenty million dollars, a fee of seven thousand four hundred fifty dollars; when such paid-up capital stock exceeds twenty million dollars but does not exceed twenty-five million dollars, a fee of eight thousand seven hundred eighty-five dollars; when such paid-up capital stock exceeds twenty-five million dollars but does not exceed fifty million dollars, a fee of ten thousand four hundred fifty dollars; when such paid-up capital stock exceeds fifty million dollars but does not exceed one hundred million dollars, a fee of ten thousand seven hundred eighty-five dollars; and when such paid-up capital stock exceeds one hundred million dollars, a fee of twelve thousand one hundred fifteen dollars. The minimum annual fee for filing such report shall be forty-three dollars. For purposes of determining the annual fee, the stock of corporations incorporated under the laws of any other state, which corporations have domesticated in this state and which stock is without par value, shall be deemed to have a par value of an amount equal to the amount paid in as capital for such shares at the time of the issuance thereof.".

2. On page 269, line 16, strike "199 to 211 and 213" and insert "200 to 212 and 214"; and in line 18 strike "198 and 214" and insert "199 and 215".

3. On page 270, line 19, after "19-3327," insert "21-303,".

4. Renumber the remaining sections accordingly.

MR. CONWAY PRESIDING

Mmes. Labedz, Hillman, and Mr. Haberman asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Landis moved for a call of the house. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

The Landis amendment was adopted with 28 ayes, 8 nays, 3 present and not voting, and 10 excused and not voting.

Pending.

The Chair declared the call raised.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of Governor appointments.

Business and Labor
Boiler Safety Code Advisory Board
John J. "Jack" Campbell
Thomas Jeffrey Hix
James R. "Dick" Gregg

(Signed) Jerome Warner, Chairperson
Legislative Council
Executive Board

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of April 2, 1992. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

DeCamp Legal Services, P.C. DeCamp, John W. - Lincoln	Nebraska Fertilizer & Ag-Chemical Institute, Inc.
Kelley, Michael - Lincoln	Big Red Keno Ltd.

Licht, Alice L. - Lincoln	Outstate Nebraska Electrical Association (Withdrawn 01/01/92)
McCallister, Kathleen - Lincoln (Withdrawn 01/01/92)	Nebraska Individual Taxpayer's Association
O'Hara & Associates O'Hara, Paul V. - Lincoln	Nebraska Fertilizer & Ag Chemical Institute
Radcliffe and Associates Radcliffe, Walter H. - Lincoln	Erwin Professional Corporation Gamma International, Ltd.

UNANIMOUS CONSENT - Print in Journal

Mr. Moore asked unanimous consent to print the following amendment to LB 1026 in the Journal. No objections. So ordered.

AM3599

(Amendments to Standing Committee Amendments, AM3065)

1. On page 29, line 14, strike "2001" and insert "2002".

2. On page 40, line 20, strike "and" and after "(11)" insert "construct a hazardous waste storage building at the University of Nebraska-Lincoln, four hundred nineteen thousand dollars; and (12)".

Mr. Chizek asked unanimous consent to print the following amendment to LB 189 in the Journal. No objections. So ordered.

AM3964

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. It shall be unlawful for any employer in Nebraska to (1) refuse to interview or refuse to hire a prospective employee or (2) discharge or otherwise discriminate against any employee concerning any conditions, terms, or benefits of employment, based on the prospective or current employee's use of any lawful product occurring outside the employer's premises during nonworking hours.

Sec. 2. An employee who is discriminated against or discharged in violation of section 1 of this act or a prospective employee who is discriminated against, denied employment, or denied submission of an application for employment in violation of section 1 of this act may bring civil action against the employer violating the provisions of such section and may obtain:

(1) An order of reinstatement without loss of position, seniority, or benefits;

(2) An order directing reinstatement of an applicant in good standing;

(3) Damages equal to the amount of lost wages and benefits; and

(4) Reasonable costs, including court costs and reasonable attorney's fees.

Sec. 3. Sections 1 and 2 of this act shall not apply to the following:

(1) A religious corporation, association, or society with respect to employees who (a) perform work connected with the carrying on of the religious activities of such corporation, association, or society or (b) are employed in a school connected with such corporation, association, or society; and

(2) A nonprofit organization with regard to use of any lawful product when the primary purpose or objective of such organization is to promote, control, limit, or eliminate the use of such lawful product.

Sec. 4. Nothing in sections 1 and 2 of this act shall prohibit employers from:

(1) Establishing conduct or product-use policies in the workplace or while using or occupying any property of the employer;

(2) Offering or having in effect a health, disability, or life insurance policy which makes a distinction between employees for the type of coverage or the price of coverage based upon the use of lawful products, if the differential premium rates charged reflect the differential cost to the employer and if the employer provides the employee with a statement delineating the differential rates.

(3) Establishing permissible blood content levels for alcohol, prescription drugs, and other medications while the employee is on duty, on the employer's premises, or using the employer's equipment; or

(4) Establishing and enforcing policies, when such policies are communicated to the employee, regarding employees using lawful products outside the employer's premises during nonworking hours when such policies relate to conduct, including use of a lawful product, which involves (a) an employer's duties and

obligations required by law, (b) compliance with fiduciary responsibilities, or (c) a legitimate conflict of interest policy designed to protect the employer's trade secrets, proprietary information, or other proprietary interests.".

Mr. Morrissey asked unanimous consent to print the following amendment to LB 1257 in the Journal. No objections. So ordered.

AM4000

(Amendments to E & R amendments, AM5281)

1. Strike section 51 and insert the following new sections:

"Sec. 56. That section 69-2008, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

69-2008. On and after January 1, 1991, a person shall not sell or offer for sale at retail any beverage for human consumption if the beverage container is connected to another beverage container by a device which is constructed of a material which is not biodegradable, ~~or~~ photodegradable, or recyclable.

Sec. 57. That section 69-2009, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

69-2009. On and after January 1, 1992, a person shall not sell or offer for sale at retail any bag used for or intended to be used for grass clippings, garbage, yard waste, or leaves which is constructed of a material which is not biodegradable, ~~or~~ photodegradable, or recyclable.".

2. On page 8, line 13, strike "Each" and insert "Effective October 1, 1993, each".

3. On page 11, line 17, after "council" insert "as authorized by the act".

4. On page 23, line 10, strike "permit application" and insert "applicant who applies"; and in line 11 after "department" insert "for a permit".

5. On page 26, line 18, strike "plan" and insert "application".

6. On page 29, line 8, strike the comma and insert "and"; strike beginning with "and" in line 9 through "thereunder" in line 12; and strike beginning with "or" in line 18 through "Act" in line 19.

7. On page 30, line 13, after "requirements"

insert "of the act"; in line 16 after "or" insert "fees designated pursuant to"; and in line 17 after "or" insert "money".

8. On page 31, line 8, strike "On" and insert "By".

9. On page 32, lines 3 and 4, strike ", after collection,"; in line 9 after "(2)" insert "The department shall exempt a landfill operator from the disposal fee imposed by this section for solid waste that is disposed pursuant to a contract shown to have been in effect on or before December 15, 1991, if such contract requires the landfill operator to dispose of solid waste without a mechanism for a price increase for a period of not less than one year. Such exemption shall terminate at the earlier of the following dates: (a) The date such contract allows for a price increase; (b) the expiration of such contract; or (c) July 1, 1994.

(3)"; in line 16 strike "(3)" and insert "(4)"; in line 19 strike "(4)" and insert "(5)"; and in line 22 strike "(5)" and insert "(6)".

10. On page 33, line 10, strike "(6)" and insert "(7)".

11. On page 96, line 21, after "15" insert "and the Integrated Solid Waste Management Act".

12. On page 160, line 20; and page 161, line 13, strike "19-2112" and insert "69-2008, 69-2009".

13. On page 161, line 7; and page 162, line 20, after the first comma insert "19-2112, 19-2113,".

14. Renumber the remaining sections accordingly.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Reengrossed

The following bill was correctly reengrossed: 245.

Enrollment and Review Change to LB 245

The following changes, required to be reported for publication in the Journal, have been made:
ER7164

1. For purposes of correlation with sections 190, 191, 200, 203, 204, and 205, LB 1063, and because of the amendment of section 77-3441 by section 194, LB 1063:

a. On page 1, line 4, "77-3437, 77-3438," has been struck; and in line 5 "77-3441," has been struck;

b. On page 2, line 4, "79-2203," has been struck; in line 7 "79-3816," has been struck; in line 8 "79-3818, 79-3819," has been struck; and in line 10 "sections 77-3437, 77-3438, 79-2203, 79-3816, 79-3818, and 79-3819, Revised Statutes Supplement, 1991, as amended by sections 190, 191, 200, 203, 204, and 205, respectively, Legislative Bill 1063, Ninety-second Legislature, Second Session, 1992," has been inserted after the first comma;

c. Sections 10, 11, 13, 71, 87, 89, and 90 have been struck and the following new sections inserted:

"Sec. 10. That section 77-3437, Revised Statutes Supplement, 1991, as amended by section 190, Legislative Bill 1063, Ninety-second Legislature, Second Session, 1992, be amended to read as follows:

77-3437. For purposes of sections 77-3437 to 77-3440:

(1) Adopted budget statement shall have the definition found in section 13-503;

(2) Fiscal year shall have the definition found in section 13-503;

(3) Governing body shall have the definition found in section 13-503, except that governing body shall not include a school board or board of education of a school district;

(4) Growth shall mean any property tax revenue received from real property as the result of new construction, additions to existing buildings, and any improvements to real property which increase the value of such property but shall not include any increased property tax revenue received due (a) to a change in valuation of a class or a subclass of property or (b) to revaluations of individual properties; and

(5) Property taxes shall mean all revenue budgeted to be received from the levy of taxes on property, including receipts from reimbursements under sections 77-27,138.01 and 77-3523, but shall not include (a) property taxes budgeted to be collected for retirement of bonded indebtedness or for projects and practices in accordance with section 2-3229 and necessary works incident to such projects and practices or (b) revenue received as a result of growth.

Sec. 11. That section 77-3438, Revised Statutes Supplement, 1991, as amended by section 191, Legislative Bill 1063, Ninety-second Legislature, Second Session, 1992, be amended to read as follows:

77-3438. (1) Except as provided in sections 77-3438.01, 77-3439, and 77-3440, no governing body shall adopt a budget statement pursuant to section 13-506 or pursuant to the charter or ordinance of a city with a home rule charter in which the anticipated aggregate receipts from property taxes for any fiscal year exceed the anticipated aggregate receipts from property taxes for the prior fiscal year or, for a governing body which budgeted no revenue to be received from the levy of taxes on real and personal property in such year, the most recent fiscal year prior to such year for which the governing body did budget to receive property taxes.

(2) A governing body may increase property taxes by a specific dollar amount greater than that permitted by subsection (1) of this section if a final order of a court from which no appeal is taken requires reimbursement by the governing body of property taxes to a taxpayer. ~~Such~~ The increase shall not exceed the amount of the reimbursement.

(3) A county board may increase property taxes by a specific dollar amount greater than that permitted by subsection (1) of this section not to exceed the dollar amount of reduction in state aid to the county resulting from the changes made to section 77-27,136 by this legislative bill.

(4) For political subdivisions that have annexed property or have consolidated after December 15, 1989, the anticipated aggregate receipts from property taxes shall be computed based on the combined aggregate property taxes of each subdivision in the fiscal year immediately preceding consolidation.

Sec. 70. That section 79-2203, Revised Statutes Supplement, 1991, as amended by section 200, Legislative Bill 1063, Ninety-second Legislature, Second Session, 1992, be amended to read as follows:

79-2203. (1) Each educational service unit shall be governed by a board to be known as the Board of Educational Service Unit No. .... The educational service unit board shall ~~consist~~ be composed of one member from each county and four members at large, all of whom shall reside within the geographical boundaries of the educational service unit, but no more than two of the members at large shall be appointed or elected from the same county unless any one county within the educational service unit has a population in excess of one hundred fifty thousand inhabitants or the educational service unit consists of only one county. Successors to the members initially appointed shall be elected for terms of four years. County candidates shall file their written applications with the county clerk or election commissioner no later than August 1 prior to the general election. Candidates for the position of members at large shall file their written applications with the Secretary of State no later than August 1 prior to the general election. No filing fee shall be required. Vacancies in office shall occur as set forth in section 32-1037. Whenever any vacancy occurs on the board, the remaining members of such board shall appoint an individual residing within the geographical boundaries of the educational service unit to fill such vacancy for the balance of the unexpired term. Members of the board shall receive no compensation for their services but shall be reimbursed for the actual and necessary expenses incurred in the performance of their duties under sections 79-2201 to 79-2224 as provided in sections 81-1174 to 81-1177.

(2) Except as provided in subsection (3) of this section, any local joint school district located in two or more counties shall be considered a part of the educational service unit in which the greater number of school-age children of such joint school district reside. All qualified electors of any such joint school district shall be eligible to hold office as the county representative of the county in which the greater number of school-age children reside. Any qualified elector of any joint school district shall be eligible to hold office as the at-large representative if such elector resides within the geographical boundary of the school district comprising the educational service unit.

(3) Any Class I district which is part of a Class VI district shall be considered a part of the educational service unit of which the Class VI district is a member. If the Class VI district has removed itself from an educational service unit in accordance with section 79-2202.02, each Class I district which is part of such Class VI district may continue its existing membership in an educational service unit or may change its status relative to membership in an educational service unit in accordance with section 79-2202.06. The patrons of a Class I district maintaining membership in an educational service unit pursuant to this subsection shall have the same rights and privileges as other patrons of the educational service unit, and the taxable valuation of the taxable property within the geographic boundaries of such Class I district shall be subject to the educational service unit's tax levy established pursuant to section 79-2210.

(4) The administrator of each educational service unit, prior to March 1 of each year in which a state primary election is to be held, shall certify to the county clerk of each county located within the unit the corporate name of each school district, as described in section 79-401, located within the county. If a school district is a joint school district located in two or more counties, the administrator shall certify to each county clerk the unit of which the school district is considered to be a part.

Sec. 86. That section 79-3816, Revised Statutes Supplement, 1991, as amended by section 203, Legislative Bill 1063, Ninety-second Legislature, Second Session, 1992, be amended to read as follows:

79-3816. ~~Beginning with school fiscal year 1990-91 and each school fiscal year thereafter, the~~ The basic allowable growth rate for general fund expenditures other than expenditures for special education shall be four percent and the allowable growth range shall be from four percent to six and one-half percent. The budget authority for special education shall be the actual anticipated expenditures for special education subject to the approval of the state board. Such budget authority shall be used only for special education expenditures.

Sec. 88. That section 79-3818, Revised Statutes Supplement, 1991, as amended by section 204, Legislative Bill 1063, Ninety-second Legislature, Second Session, 1992, be amended to read as follows:

79-3818. ~~Beginning with the budget adopted for the 1990-91 school fiscal year, no~~ No district shall adopt a budget, which includes contingency funds, depreciation funds, and necessary general fund cash reserves, exceeding the applicable allowable reserve percentages of total general fund budget of expenditures as specified in the schedule set forth in this section.

Average daily membership of district	Allowable reserve percentage
0 - 471	45
471.01 - 3,044	35
3,044.01 - 10,000	25
10,000.01 and over	20

On or before July 1 of each year, the department shall determine and certify each district's applicable allowable reserve percentage.

Each district with combined necessary general fund cash reserves, depreciation funds, and contingency funds less than the applicable allowable reserve percentage specified in this section may, notwithstanding the district's applicable allowable growth percentage, increase its necessary general fund cash reserves by an amount which will increase its combined necessary general fund cash reserves, depreciation funds, and contingency funds by two percent of its total general fund budget of expenditures, except that (1) a district shall not increase such necessary general fund cash reserves when such increase will result in total necessary general fund cash reserves, depreciation funds, and contingency funds which exceed the applicable allowable reserve percentage and (2) a district may increase such necessary general fund cash reserves in excess of such two percent limitation due to projected increases in federal funds.

Sec. 89. That section 79-3819, Revised Statutes Supplement, 1991, as amended by section 205, Legislative Bill 1063, Ninety-second Legislature, Second Session, 1992, be amended to read as follows:

79-3819. A district may exceed its applicable allowable growth rate by a specific dollar amount in the situations described in this section.

(1) A district demonstrates to the satisfaction of the state board that a new program is required by state or federal law or an existing program mandated by state or federal law has been expanded as a result of changes in ~~such~~ state or federal law. For purposes of this subsection, a final order of a court from which no appeal is taken which requires reimbursement by a district of property taxes to a taxpayer shall be considered a new program required by state or federal law but shall not be included as part

of the general fund budget of expenditures for purposes of section 79-3814.

(2) The district projects an increase in formula students in the district over the current school year greater than twenty-five students or greater than those listed in the schedule provided in this subsection, whichever is less. Districts shall project increases in formula students on forms prescribed by the department. The state board shall approve, deny, or modify the projected increases.

Average daily membership of district	Projected increase of formula student by percentage
0 - 50	10
50.01 - 250	5
250.01 - 1,000	3
1,000.01 and over	1

The department shall compute the district's estimated allowable budget per pupil using the budgeted general fund expenditures found on the budget statement for the current school year divided by the number of formula students in the current school year and multiplied by the district's applicable allowable growth rate. The resulting allowable budget per pupil shall be multiplied by the projected formula students to arrive at the estimated budget needs for the ensuing year. The department shall allow the district to increase its general fund budget of expenditures for the ensuing school year by the amount necessary to fund the estimated budget needs of the district as computed pursuant to this subsection. On or before July 1 of each year, the department shall make needed revisions in the applicable allowable growth rate of districts which have been allowed additional growth pursuant to this subsection to reflect the actual formula students of such district and shall certify such revisions to each district.

(3) Construction, expansion, or alteration of district buildings will cause an increase in building operation and maintenance costs of at least five percent. The department shall document the projected increase in building operation and maintenance costs and may allow a district to exceed its applicable allowable growth percentage by the amount necessary to fund such increased costs. The department shall compute the actual increased costs for the school year and shall, if needed, modify the district's applicable allowable growth rate for the ensuing school year.";

d. On page 134, line 8, "96" has been struck and "95" inserted; and in line 22 "31, 44, and 45" has been struck and "30, 43, and 44" inserted;

e. On page 135, line 3, "46 to 48" has been struck and "45 to 47" inserted;

f. On page 137, line 22, "77-3437, 77-3438," and "77-3441," have been struck;

g. On page 138, line 6, "79-2203," has been struck; in line 9 "79-3816," and "79-3818, 79-3819," have been struck; and in line 11 "sections

77-3437, 77-3438, 79-2203, 79-3816, 79-3818, and 79-3819, Revised Statutes Supplement, 1991, as amended by sections 190, 191, 200, 203, 204, and 205, respectively, Legislative Bill 1063, Ninety-second Legislature, Second Session, 1992," has been inserted after the second comma; and

h. The remaining sections have been renumbered accordingly.

(Signed) Eric Will, Chairperson

SELECT FILE

LEGISLATIVE BILL 719A. Mr. L. Johnson offered the following amendment to the Warner-Withem pending amendment:
AM3924

(Amendments to AM3798)

1. On page 259, line 3, after the period insert "Each claim shall be accompanied by documentation that the vehicle or cabin trailer for which the dealer is claiming a credit or refund was included in the listing of taxable tangible personal property held or owned by the dealer as required by section 94, Legislative Bill 1063, Ninety-second Legislature, Second Session, 1992.".

The L. Johnson amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Mr. Schmit offered the following amendment to the Warner-Withem pending amendment:
AM3936

(Amendments to AM3798)

1. Insert the following new sections:

"Sec. 161. That section 77-1232, Reissue Revised Statutes of Nebraska, 1943, as amended by section 100, Legislative Bill 1063, Ninety-second Legislature, Second Session, 1992, be amended to read as follows:

77-1232. Any person who makes a false or fraudulent list, schedule, or statement required by law or willfully fails or refuses to deliver to the assessor a list of the taxable tangible personal property which by law is required to be listed, or temporarily converts any part of such property into property not taxable, for the fraudulent purpose of preventing such property from being listed and of evading the payment of taxes thereon, or transfers or transmits any property to any person with such intent, shall be guilty of a Class IV misdemeanor for any such offense committed for any tax year prior to tax year 1993 and a Class II misdemeanor for any such offense committed for tax year 1993 or thereafter. The penalty provisions of this section shall not apply to any person filing a late personal property return by reason of such late filing for tax year 1992.

Sec. 162. That section 77-1233.04, Reissue Revised Statutes of Nebraska, 1943, as amended by section 102, Legislative Bill 1063, Ninety-second Legislature, Second Session, 1992, be amended to read as follows:

77-1233.04. (1) The county assessor shall change the reported valuation of any item of personal property listed on the return of any taxpayer to conform the valuation to taxable value. The assessor shall make a change to the valuation of any item of personal property for the current taxing period and the three previous taxing periods or any taxing period included therein.

(2) The county assessor shall list any item of personal property omitted from or not returned on a personal property return of any taxpayer and value the property at its taxable value. The assessor shall list and value omitted or not returned property for the current taxing period and the three previous taxing periods or any taxing period included therein. Property so listed and valued shall be taxed at the same rate as would have been imposed upon the property in the governmental subdivision of the state in which the property should have been returned for taxation. To the tax shall be added a penalty of fifty percent of the tax due. Interest shall be assessed upon both the tax and the penalty at the rate specified in section 45-104.01, as such rate may from time to time be adjusted by the Legislature, from the date the tax would have been delinquent until paid. The penalty provisions of this section shall not apply to any person filing a late personal property return by reason of such late filing for tax year 1992.

(3) For purposes of this section, the county assessor shall send notice, by first-class mail to the last-known address of the taxpayer, on a form prescribed

by the Tax Commissioner, advising the taxpayer of the action taken, the penalty, and the rate of interest, if any. The notice shall also state the taxpayer's appeal rights and the appeal procedures.

(4) The county assessor may with the approval of the county board of equalization waive all or part of the penalty assessed and any interest thereon. The entire penalty and interest shall be waived if the omission or failure to return any item of personal property was for the reason that the property was timely reported in the wrong taxing district.

(5) For purposes of this section, the taxpayer may appeal the action of the county assessor, either as to the valuation of property or the penalties imposed, to the county board of equalization within thirty days of the date the notice was mailed by the county assessor. The taxpayer shall preserve his or her appeal by filing an appeal with the county clerk in the same manner as prescribed for protests in section 77-1502. The action of the county assessor shall become final unless an appeal is filed within the time prescribed.

(6) Upon ten days' notice to the taxpayer, the county board of equalization shall set a date for hearing the appeal of the taxpayer. The county board of equalization shall make its determination on the appeal within thirty days after the date of hearing. The county clerk shall, within seven days of the determination of the county board, send notice to the taxpayer and the county assessor, on forms prescribed by the Tax Commissioner, of the action of the county board. Appeal de novo may be taken from the decision of the county board of equalization to the district court of the county in which the assessment is made in the manner prescribed in sections 77-1510 and 77-1511.

(7) Taxes and penalties assessed for the current year, if not delinquent, shall be certified to the county treasurer and collected as if the property had been properly reported for taxation, except that separate tax statements may be mailed. Taxes and penalties assessed for the current year, if delinquent, and taxes and penalties assessed for prior years shall be certified to the county treasurer, and the tax, penalties, and interest thereon shall be due and collectible immediately upon certification. Collection procedures shall be started immediately regardless of

the provisions of any other statute to the contrary.

Sec. 163. That section 77-1233.05, Reissue Revised Statutes of Nebraska, 1943, as amended by section 103, Legislative Bill 1063, Ninety-second Legislature, Second Session, 1992, be amended to read as follows:

77-1233.05. If a return is voluntarily filed or omitted property is voluntarily reported after the final date for returning such property has passed for the current taxing period and the three previous taxing periods or any taxing period included therein, the property shall be taxed at the same rate as imposed upon the property in the governmental subdivision of the State of Nebraska in which the property should have been returned for taxation. To the tax shall be added a penalty of ten percent of the amount of tax due on tangible personal property. Interest at the rate specified in section 45-104.01, as such rate may from time to time be adjusted by the Legislature, shall be assessed upon such penalty from the date of delinquency of the tax until paid.

The county assessor with the approval of the county board of equalization may waive all or part of the penalty and the interest on the penalty. If the omission or failure to return or report property was caused by the fact that such property was timely reported in the wrong taxing district, the entire penalty and the interest on the penalty shall be waived.

Appeals may be taken under the same conditions and in the same manner as provided in section 77-1233.04.

A return shall be deemed to be voluntarily filed or omitted property shall be deemed to have been voluntarily reported if the action is done without notice from any taxing official or if the taxpayer prior to such notice notified the county assessor in writing that such return would be filed late and the return was subsequently filed within thirty days. Returns voluntarily filed or omitted property voluntarily reported as provided in this section shall not be subjected to any other penalty.

This section shall not be so construed as to prohibit any taxing official from the proper discovery, assessment, taxation, and penalization of and for any property not listed or returned, regardless of when or in what manner the return was filed. The penalty provisions of this section shall not apply to any person filing a late personal property return by reason of such late filing for tax year 1992.".

2. Correct the operative date and repealer provisions so that the sections added by this amendment shall become operative on their effective date.

3. Renumber the remaining sections and correct internal references accordingly.

Messrs. Elmer and Rogers asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER BAACK PRESIDING

Messrs. Moore, Landis, Wesely, Will, Lamb, Peterson, and Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Schmit moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Schmit requested a roll call vote on his amendment.

Voting in the affirmative, 19:

Baack
Beyer
Byars
Conway
Cudaback
Hall
Hartnett
Hefner
Johnson, L.
Labedz
Lamb
Lindsay
Moore
Morrissey
Nelson
Pirsch
Rasmussen
Schellpeper
Schmit

Voting in the negative, 11:

Bernard-Stevens
Bohlke
Crosby
Hillman
Kristensen
Robinson
Schimek
Schrock
Warner
Wehrbein
Wickersham

Present and not voting, 5:

Beutler
Chambers
Coordsen
Horgan
Johnson, R.

Excused and not voting, 14:

Abboud
Ashford
Chizek
Dierks
Elmer
Haberman
Landis
Lynch
Peterson
Robak

Rogers Wesely Will Withem

The Schmit amendment lost with 19 ayes, 11 nays, 5 present and not voting, and 14 excused and not voting.

The Chair declared the call raised.

Messrs. Lindsay and Chambers asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Lamb renewed his pending amendment, AM3935, found in the Journal on page 1882, to the Warner-Withem pending amendment.

Mr. Lamb withdrew his pending amendment.

Mr. Conway asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Schmit offered the following amendment to the Warner-Withem pending amendment:
AM3937

(Amendments to AM3798)

1. Insert the following new section:

"Sec. 212. (1) The Tax Commissioner, upon receipt of information from each county assessor as he or she prescribes, shall determine the following ratios involving taxable property of persons engaged primarily in the business of farming and ranching and comparable taxable property:

(a) The ratio of the taxable value of property of persons engaged primarily in the business of farming and ranching in the state actually subjected to property tax divided by the market value of all property of persons primarily engaged in the business of farming and ranching in the state; and

(b) The ratio of the taxable value of property other than property of persons primarily engaged in the business of farming and ranching to the market value of such property.

(2) If the ratio of the taxable value of property of persons engaged primarily in the business of farming and ranching exceeds the ratio of the comparable taxable property other than property of persons engaged primarily in the business of farming and ranching by more than five percent, the Tax Commissioner may order

the county assessor to adjust the value of property of persons engaged primarily in the business of farming and ranching to the percentage of such other comparable taxable property.

(3) The Tax Commissioner shall adopt and promulgate rules and regulations to carry out this section.".

2. Correct the operative date provision so that the section added by this amendment becomes operative on its effective date.

3. Renumber the remaining sections and correct internal references accordingly.

Mr. Coordsen and Mrs. Labedz asked unanimous consent to be excused until they return. No objections. So ordered.

The Schmit amendment lost with 7 ayes, 6 nays, 23 present and not voting, and 13 excused and not voting.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 1019 in the Journal. No objections. So ordered.

AM3860

(Amendments to Standing Committee amendments, AM2816)

1. Insert the following new section:

"Sec. 75. That Laws 1990, LB 551, section 32, be amended to read as follows:

Sec. 32. ~~Sections 29, 30, 32, and 33~~ Section 29 of this act shall become operative on ~~their~~ its effective date. The other sections of this act shall become operative on ~~July 1, 1991~~ January 1, 1994.".

2. On page 16, strike lines 10 through 15 and insert the following new subsection:

"(4) If a laboratory provides both transfusion services and bloodbanking, the services shall be under the adequate control and technical supervision of a pathologist or other physician, surgeon, osteopathic physician, or osteopathic physician and surgeon with training or experience, or both, in immunohematology appropriate to the size of the facility and the scope of services offered.".

3. On page 18, line 3, strike the second "and" and after "13" insert "strike 'and' and"; and in line 4 before the period insert "; and in line 15 before the first 'and' insert 'and Laws 1990, LB 551, section 32,'".

Mr. Schellpeper asked unanimous consent to print the following amendment to LB 503 in the Journal. No objections. So ordered.

(Amendment on file in the Clerk's Office - Room 2018 - AM3637.)

Mr. Hall asked unanimous consent to print the following amendment to LB 934 in the Journal. No objections. So ordered.

(Amendment on file in the Clerk's Office - Room 2018 - AM3490.)

RESOLUTION

LEGISLATIVE RESOLUTION 425. Introduced by Pirsch, 10.

WHEREAS, there are over ninety-four thousand crimes committed each day in the United States; and

WHEREAS, reports of violent crime in Nebraska are estimated to have risen by fourteen percent in 1991; and

WHEREAS, the victims and survivors of those crimes face financial loss, physical injury, and emotional trauma both at the hand of the criminal and by the criminal justice system; and

WHEREAS, family members and friends of victims and survivors of crime also suffer from the trauma of victimization; and

WHEREAS, the fear of crime causes millions to alter their lifestyles and inhibits their freedom of movement; and

WHEREAS, victims still do not receive justice that affords rights of access and participation that are equal to those of the accused; and

WHEREAS, special victim groups such as racial minority victims, victims of hate crimes, elderly victims, child victims, surviving relatives of homicide victims, victims of drunk driving, sexual assault victims, differently-abled victims, spouse abuse victims, catastrophic physical injury victims, and burglary victims are of the underserved in many of our communities; and

WHEREAS, certain types of victimization, such as sexual assault, family violence, and sexual harassment, remain unreported or underreported because their victims are often disbelieved and stigmatized; and

WHEREAS, the distance traveled over the past fourteen-years, when the first victim assistance program was founded in Nebraska, is gratifying, we still have far to go before we have truly established victim justice; and

WHEREAS, thousands of our fellow citizens, in their work and their volunteer activities, are devoting themselves to bringing a full measure of dignity, compassion, and justice to those of our friends, relatives, and neighbors who fall victim to crime.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature designates and proclaims the week of April 26 through May 2, 1992, to be Victims Rights Week in Nebraska.
2. That the Legislature urges all Nebraskans to continue to help crime victims and witnesses and to treat them with respect, compassion, and fairness for the sake of justice and human dignity.
3. That the Legislature expresses its gratitude to those Nebraskans who give so much of themselves in their efforts to lessen the plight of crime victims, bringing justice into balance, and making our communities in Nebraska better and safer places.

Laid over.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 934A. Introduced by Hall, 7.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 934, Ninety-second Legislature, Second Session, 1992.

SELECT FILE

LEGISLATIVE BILL 719A. Mr. Robinson offered the following amendment to the Warner-Withem pending amendment:
AM4008

(Amendments to AM3798)

1. Insert the following new section:

"Sec. 172. That section 77-3438, Revised Statutes Supplement, 1991, as amended by section 191, Legislative Bill 1063, Ninety-second Legislature, Second Session, 1992, be amended to read as follows:

77-3438. (1) Except as provided in sections 77-3438.01, 77-3439, and 77-3440, no governing body shall adopt a budget statement pursuant to section 13-506 or pursuant to the charter or ordinance of a city with a home rule charter in which the anticipated aggregate receipts from property taxes for any fiscal year exceed the anticipated aggregate receipts from property taxes for the prior fiscal year or, for a governing body which budgeted no revenue to be received from the levy of taxes on real and personal property in such year, the most recent fiscal year prior to such year for which the governing body did budget to receive property taxes.

(2) A governing body may increase property taxes by a specific dollar amount greater than that permitted by subsection (1) of this section if a final order of a court from which no appeal is taken requires reimbursement by the governing body of property taxes to a taxpayer. Such increase shall not exceed the amount of the reimbursement.

(3) A county board may increase property taxes by a specific dollar amount greater than that permitted by subsection (1) of this section not to exceed the dollar amount of reduction in state aid to the county resulting from the changes made to section 77-27,136 by this legislative bill.

(4) For political subdivisions that have annexed property or have consolidated after December 15, 1989, or for a new educational service unit organized pursuant to section 79-2202.06 or an existing educational service unit, which new or existing unit has added or received a school district, or portion thereof, the anticipated aggregate receipts from property taxes shall be computed based on the combined aggregate property taxes of each subdivision in the fiscal year immediately preceding consolidation, annexation, or addition.

The estimated amount of property taxes for the immediately preceding fiscal year from the annexed, added, or consolidated property to be added to the property taxes of the political subdivision shall be computed by multiplying the property tax levy of the political subdivision for the immediately preceding fiscal year by the taxable valuation of the annexed, added, or consolidated property for the immediately preceding fiscal year.".

2. Correct the repealer and operative date

provision so that the section added by this amendment shall become operative three calendar months after the adjournment of this legislative session.

3. Renumber the remaining sections and correct internal references accordingly.

MR. LAMB PRESIDING

Mr. Robinson moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

The Robinson amendment was adopted with 32 ayes, 0 nays, 4 present and not voting, and 13 excused and not voting.

The Chair declared the call raised.

Mr. Hall offered the following amendment to the Warner-Withem pending amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM4001.)

MR. CONWAY PRESIDING

SPEAKER BAACK PRESIDING

Mr. Wickersham requested a division of the question on the Hall amendment.

The Chair sustained the division of the question.

The first Hall amendment to the Warner-Withem pending amendment is as follows:
(Amendment on file in the Clerk's Office - Room 2018 - FA363.)

The first Hall amendment was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

The second Hall amendment to the Warner-Withem pending amendment is as follows:
(Amendment on file in the Clerk's Office - Room 2018 - FA364.)

Mr. Hall withdrew his pending amendment.

Mr. Cudaback offered the following amendment to the Warner-Withem pending amendment:
AM3987

(Amendments to AM3798)

1. On page 259, strike beginning with "four" in line 19 through "of" in line 20, show as stricken, and insert "six dollars per actual nutrient ton upon".

2. On page 260, lines 5 and 8, strike "gross", show as stricken, and insert "actual nutrient"; and strike beginning with "For" in line 16 through "include" in line 19 and insert "This section shall not apply to".

Mr. Cudaback withdrew his pending amendment.

PRESIDENT MOUL PRESIDING

Mr. Warner moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

The Warner-Withem amendment, as amended, was adopted with 26 ayes, 2 nays, 11 present and not voting, and 10 excused and not voting.

Pending.

MOTION - Suspend Rules

Mr. Coordsen moved to suspend Rule 3, Section 13, so the Business and Labor Committee may hold a hearing on gubernatorial appointments without giving seven days notice.

The Coordsen motion to suspend the rules prevailed with 36 ayes, 0 nays, 4 present and not voting, and 9 excused and not voting.

NOTICE OF COMMITTEE HEARING
Business and Labor

Governor Appointments Monday, April 6, 1992 1:30 p.m.
State Boiler Safety Code Advisory Board
John J. "Jack" Campbell
Thomas Jeffrey Hix
James R. "Dick" Gregg

(Signed) George Coordsen, Chairperson

The Chair declared the call raised.

SELECT FILE

LEGISLATIVE BILL 719A. Messrs. Warner and Withem renewed their pending amendment, AM3834, found in the Journal on page 1759.

Mr. Moore renewed his pending amendment, AM3918, found in the Journal on page 1841, to the Warner-Withem pending amendment.

Messrs. R. Johnson, Cudaback, Lynch, Dierks, and Landis asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Moore requested a record vote on his amendment.

Voting in the affirmative, 12:

Coordsen
Dierks
Haberman
Hall
Hefner
Johnson, L.
Lamb
Moore
Peterson
Rogers
Schellpeper
Schmit

Voting in the negative, 14:

Baack
Bohlke
Byars
Conway
Crosby
Hartnett
Hillman
Horgan
Kristensen
Lindsay
Nelson
Robinson
Warner
Wickersham

Present and not voting, 10:

Bernard-Stevens
Beutler
Beyer
Morrissey
Pirsch
Rasmussen
Schimek
Schrock
Wehrbein
Wesely

Excused and not voting, 13:

Abboud
Ashford
Chambers
Chizek
Cudaback
Elmer
Johnson, R.
Labedz
Landis
Lynch
Robak
Will
Withem

The Moore amendment lost with 12 ayes, 14 nays, 10 present and not voting, and 13 excused and not voting.

Pending.

UNANIMOUS CONSENT - Print in Journal

Messrs. Schrock and Lynch asked unanimous consent to print the following amendment to LB 1011 in the Journal. No objections. So ordered.

AM3997

(Amendments to Final Reading copy)

1. Strike the original sections and insert the following new sections:

"Section 1. That section 77-2701, Revised Statutes Supplement, 1991, as amended by section 3, Legislative Bill 871, Ninety-second Legislature, Second Session, 1992, and section 180, Legislative Bill 1063, Ninety-second Legislature, Second Session, 1992, be amended to read as follows:

77-2701. Sections 77-2701 to 77-27,135 and sections 4 to 24 and 26 to 59 of this act and section 181 of this act and sections 3 and 5 of this act shall be known and may be cited as the Nebraska Revenue Act of 1967.

Sec. 2. That section 4, Legislature Bill 871, Ninety-second Legislature, Second Session, 1992, be amended to read as follows:

Sec. 4. For purposes of sections 77-2703 to 77-2713 and sections 4 to 24 and 26 to 59 of this act and section 3 of this act, unless the context otherwise requires, the definitions found in sections 5 to 24 of this act and section 3 of this act shall be used.

Sec. 3. Soft drinks shall mean nonalcoholic carbonated drinks.

Sec. 4. That section 44, Legislative Bill 871, Ninety-second Legislature, Second Session, 1992, be amended to read as follows:

Sec. 44. Sales and use taxes shall not be imposed on the gross receipts from the sale, lease, or rental of and the storage, use, or other consumption in this state of food or food products for human consumption which are eligible for purchase with food coupons issued by the United States Department of Agriculture pursuant to regulations in effect on October 1, 1983, regardless of whether the retailer from which the foods are purchased is participating in the food stamp program. For purposes of this section, food shall not include soft drinks, shall not include meals prepared for immediate consumption on or off the premises of the retailer, and shall not include foods sold through vending machines.

Sec. 5. Each year the Department of Revenue shall estimate the amount of revenue generated from July 1 of the previous year to June 30 of the current year by the removal of sales and use tax exemptions for soft drinks by this legislative bill. The Tax Commissioner shall certify the amount estimated to the State Treasurer by August 1 each year and shall provide a copy of the certification to the State Department of Education. Upon receipt of the certification, the State Treasurer shall transfer the amount certified to the Educational Excellence Fund.

Sec. 6. There is hereby appropriated the balance of the Educational Excellence Fund existing on August 1, 1993, for FY1993-94 to the State Department of Education, for Program 25.

Sec. 7. This act shall become operative on August 1, 1992.

Sec. 8. That original section 77-2701, Revised Statutes Supplement, 1991, as amended by section 3, Legislative Bill 871, Ninety-second Legislature, Second Session, 1992, and section 180, Legislative Bill 1063, Ninety-second Legislature, Second Session, 1992, and sections 4 and 44, Legislative Bill 871, Ninety-second Legislature, Second Session, 1992, are repealed.".

2. On page 1, strike beginning with "dogs" in line 1 through line 5 and insert "revenue and taxation; to amend section 77-2701, Revised Statutes Supplement, 1991, as amended by section 3, Legislative Bill 871, Ninety-second Legislature, Second Session, 1992, and section 180, Legislative Bill 1063, Ninety-second Legislature, Second Session, 1992, and sections 4 and 44, Legislative Bill 871, Ninety-second Legislature, Second Session, 1992; to eliminate sales and use tax exemptions for soft drinks; to define a term; to provide for the transfer of funds; to appropriate funds; to provide an operative date; and to repeal the original sections.".

Mr. Wesely and Mrs. Crosby asked unanimous consent to print the following amendment to LB 934 in the Journal. No objections. So ordered.

AM4027

1. Insert the following new section:

"Section 1. That section 23-1118, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-1118. (1)(a) Unless the county has adopted a retirement system pursuant to section 23-2329, the county board of any county having a population of one hundred thousand inhabitants or more may, in its discretion and with the approval of the voters, provide retirement benefits for present and future employees of the county. The cost of such retirement benefits shall be funded in accordance with sound actuarial principles with the necessary cost being treated in the county budget in the same way as any other operating expense. ~~Each~~

(b) Except as provided in subdivision (c) of this subsection, each employee shall be required to contribute, or have contributed on his or her behalf, an amount at least equal to the county's contribution to the cost of any such retirement program as to service performed after the adoption of such retirement program, but the cost of any benefits based on prior service shall be borne solely by the county.

(c) In a county having a population of two hundred thousand or more inhabitants but not more than three hundred thousand inhabitants, the county shall establish the employee and employer contribution rates to the retirement program for each year after the effective date of this act. The county shall contribute at least an amount equal to each employee's mandatory contribution, if any, to the cost of any such retirement program and by January 1, 1996, shall be contributing one hundred fifty percent of each employee's mandatory contribution. The combined contributions of the county and its employees to the cost of any such retirement program shall not exceed thirteen percent of the employees' salaries.

(2) Before the county board provides retirement benefits for the employees of the county, such question shall be submitted at a regular general or primary election held within the county, and in which election all persons eligible to vote for the county officials of the county shall be entitled to vote on such question, which shall be submitted in the following language: Shall the county board provide retirement benefits for present and future employees of the county?

If a majority of the votes cast upon such question ~~shall be~~ are in favor of such question, then the county board shall be empowered to provide retirement benefits for present and future employees as provided in this section. If such retirement benefits for present and future county employees are approved by the voters and authorized by the county board, then the funds of such retirement system, in excess of the amount required for current operations as determined by the county board, may be invested and reinvested in the class of securities and investments described in section 30-3209.

(3) As used in this section, employees shall mean all persons or officers devoting more than twenty hours per week to employment by the county, all elected officers of the county, and such other persons or officers as are classified from time to time as permanent employees by the county board.

~~(2)~~ (4) The county may pick up the member contributions required by this section for all compensation paid on or after January 1, 1985, and the contributions so picked up shall be treated as employer contributions in determining federal tax treatment under the United States Internal Revenue Code, except that the county shall continue to withhold federal income taxes based upon these contributions until the Internal Revenue Service, or the federal courts, rule that, pursuant to section 414(h) of the United States Internal Revenue Code, these contributions shall not be included as gross income of the member until such time as they are distributed or made available. The county shall pay these member contributions from the same source of funds which is used in paying earnings to the member. The county shall pick up these contributions by a salary deduction either through a reduction in the cash salary of the member or a combination of a reduction in salary and offset against a future salary increase. Member contributions picked up shall be treated in the same manner and to the same extent as member contributions made prior to the date picked up.".

2. On page 24, line 7, after "sections" insert "23-1118,".

3. Renumber the remaining sections accordingly.

Mr. Wickersham and Mrs. Nelson asked unanimous consent to print the following amendment to LB 719A in the Journal. No objections. So ordered.

FA365

1. Insert the following new section:

"Sec. 172. That section 77-2716.02, Revised Statutes Supplement, 1991, be amended to read as follows:

77-2716.02. (1) For tax year 1991, there is hereby imposed on all taxpayers, in addition to the tax imposed by sections 77-2714 to 77-27,123, a surcharge of two percent of all depreciation. The surcharge imposed by this section shall be reported on a form prescribed by the Department of Revenue and shall be due and payable at the time the income tax return required by sections 77-2714 to 77-27,123 is due. No credits against the payment of any tax shall be allowed as a credit against the surcharge imposed by this section.

(2) For purposes of this section, depreciation shall mean any deduction for cost recovery allowable under section 167, 168, 169, or 179 of the Internal Revenue Code of 1986, as amended, on tangible property used in a trade or business or tangible property held for the production of income, other than motor vehicles required to be registered under sections 60-301 to 60-347, except that for a financial institution subject to the tax imposed by section 77-3802, depreciation shall mean any reduction in net financial income for cost recovery on tangible property used in a trade or business or tangible property held for the production of income, other than motor vehicles required to be registered under sections 60-301 to 60-347, that is comparable to amounts allowable under section 167, 168, 169, or 179 of the Internal Revenue Code of 1986, as amended.

(3) The following special rules shall be used in calculating the surcharge on depreciation:

(a) Each beneficiary shall include in his or her depreciation for purposes of computing the surcharge his or her proportionate share of the estate's or trust's depreciation;

(b) Each partner shall include in his or her depreciation for purposes of computing the surcharge his or her proportionate share of the partnership's depreciation;

(c) Each shareholder in a small business corporation shall include in his or her depreciation for purposes of computing the surcharge his or her proportionate share of the corporation's depreciation from the conduct of a business, trade, profession, or occupation within this state determined under subsection (2) of section 77-2734.01;

(d) For a corporate taxpayer that is subject to tax in another state, the surcharge shall be based on the depreciation connected with the taxpayer's operations in this state as determined through the use of the property factor contained in section 77-2734.12; and

(e) For a financial institution subject to the tax imposed by section 77-3802, the surcharge shall be based on the depreciation connected with the financial institution's operation in this state as determined through the use of the property factor contained in section 77-2734.12.

(4) For purposes of administering the surcharge imposed pursuant to this section, statutory provisions relating to the income tax shall apply, including provisions relating to interest, penalties, and estimated payments, except that the department shall not assess any penalty for underpayment of estimated income tax on an individual taxpayer estates or trusts based upon the surcharge imposed by this section.

(5) In addition to the surcharge imposed by subsection (1) of this section, there is hereby imposed a surcharge of two percent of all depreciation of railroad operating property as described in section 77-602, the property of public service entities as defined in section 77-801.01, and the property of air carriers as defined in section 77-1244. The surcharge imposed by this subsection shall be levied and collected in the same manner as the surcharge imposed by subsection (1) of this section.

(6) The department shall adopt and promulgate rules and regulations to carry out this section.".

2. Correct the repealer and operative date provisions so that the section added by this amendment becomes operative for taxable years beginning on or after January 1, 1991.

3. Renumber the remaining sections

accordingly.

Mr. Wesely asked unanimous consent to print the following amendment to LB 719A in the Journal. No objections. So ordered.

AM4030

(Amendments to AM3798)

1. Insert the following new section:

"Sec. 160. That section 77-202, Revised Statutes Supplement, 1991, as amended by section 53, Legislative Bill 1063, Ninety-second Legislature, Second Session, 1992, be amended to read as follows:

77-202. (1) The following property shall be exempt from property taxes:

(a) Property of the state and its governmental subdivisions;

(b) Property owned by and used exclusively for agricultural and horticultural societies;

(c) Property owned by educational, religious, charitable, or cemetery organizations and used exclusively for educational, religious, charitable, or cemetery purposes, when such property is not (i) owned or used for financial gain or profit to either the owner or user, (ii) used for the sale of alcoholic liquors for more than twenty hours per week, or (iii) owned or used by an organization which discriminates in membership or employment based on race, color, or national origin. The use of any such organization's property in the nonprofit operation of a licensed early childhood program within the meaning of section 71-1910 or in the operation of supportive housing for persons with disabilities within the meaning of section 811 of the National Affordable Housing Act of 1990, 42 U.S.C. 8013, shall be an exempt use within the meaning of this subdivision notwithstanding the charge of reasonable fees or the receipt of funds. For purposes of this subdivision: Educational ~~, educational~~ organization shall mean an institution operated exclusively for the purpose of offering regular courses with systematic instruction in academic, vocational, or technical subjects or a museum or historical society operated exclusively for the benefit and education of the public; ~~. For purposes of this subdivision,~~ charitable organization shall mean an organization operated exclusively for the purpose of the mental, social, or physical benefit of the public or an indefinite number of persons; and financial gain or profit shall mean only that gain or profit of an organization which is distributed or distributable to its members, directors, or officers and shall not mean or include gifts, contributions, governmental subsidies, or other receipts or revenue derived from exempt activities and devoted to or held for the accomplishment of the organization's exempt purposes; and

(d) Household goods and personal effects not owned or used for financial gain or profit to either the owner or user.

(2) The increased value of land by reason of shade and ornamental trees planted along the highway shall not be taken into account in the valuation of land.

(3) If a constitutional amendment amending Article VIII of the Constitution of Nebraska is adopted in 1992, tangible personal property which is not depreciable tangible personal property as defined in section 48 of this act shall be exempt from property tax.

(4) Vehicles registered pursuant to section 60-305.09 and for which the registration fees prescribed in such section have been paid shall be exempt from payment of property taxes.

(5) If a constitutional amendment amending Article VIII of the Constitution of Nebraska is adopted in 1992, business and agricultural inventory shall be exempt from the personal property tax.

(6) Any personal property exempt pursuant to subsection (2) of section 77-4105 shall be exempt from the personal property tax.".

2. Correct the repealer and operative date provisions so that the section added by this amendment becomes operative on January 1, 1992.

3. Renumber the remaining sections and correct internal references accordingly.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1184A. Introduced by Rasmussen, 20.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1184, Ninety-second Legislature, Second Session, 1992.

RESOLUTION

LEGISLATIVE RESOLUTION 426. Introduced by Conway, 17.

WHEREAS, the week commencing June 1, 1992, has been designated by the National Management Association as "Management Week"; and

WHEREAS, the National Management Association is an organization committed to the promotion of the free enterprise system, management as a distinct profession, and the certification of managers; and

WHEREAS, the management profession has significantly contributed to the strength and vitality of this country's economy and in the future such skills will be particularly essential as we strive to strengthen the economy of the State of Nebraska; and

WHEREAS, there are two chapters of the National Management Association comprised of employees of the State of Nebraska; and

WHEREAS, the original chapter, the Nebraska State Government Chapter of the National Management Association, was chartered in 1984 with one hundred members and now has two hundred eighty-nine members representing forty-six state agencies, including the Legislative Council; and

WHEREAS, the Omaha State Government Chapter of the National Management Association was chartered in 1989 and now has fifty-five members representing five state agencies; and

WHEREAS, the Nebraska State Government Chapter and the Omaha State Government Chapter of the National Management Association will join with the Lincoln Human Resource Management Association, a chapter of the Society of Human Resource Management Associations, which was chartered in 1953 and now has two hundred twenty-five members, and with other private and public sector managers nationwide, to honor the role and achievements of managers in our society during "Management Week".

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature hereby declares the week commencing June 1, 1992, as "Management Week" in Nebraska and calls upon the citizenry to recognize and participate in the observance of this worthy occasion.

2. That copies of this resolution be delivered to Michael D. Goings, President of the Nebraska State Government Chapter of the National Management Association, James F. Schmidt, President of the Omaha State Government Chapter of the National Management Association, and

Cheryl Vavra, President of the Lincoln Human Resource Management Association.

Laid over.

VISITORS

Visitors to the Chamber were 15 juniors, seniors, and sponsor from Ralston; 11 ninth through twelfth grade students and teacher from Gering; Bill Tringe; Ms. Jo Leyland and Tom Spunaugle from Imperial; 50 fourth grade students, teachers, and sponsors from Neligh-Oakdale; Florence Corbin from Plattsmouth and Nancy Stander from Louisville; 30 fourth grade students and teacher from Homer; group of fourth grade students from Oxford; 18 seventh grade students and teacher from Newcastle; Al, Lois, Ester, Carole, and Matt Herbel from Gering; 10 third through sixth grade students and teacher from Ayr; 75 fourth grade students and teachers from Pawnee Elementary, Omaha; nine fourth through sixth grade students and sponsor from Kewanee Elementary, Valentine; 30 fifth and sixth grade students and sponsor from Brady; and Bob King from Holdrege.

ADJOURNMENT

At 4:05 p.m., on a motion by Speaker Baack, the Legislature adjourned until 8:00 a.m., Monday, April 6, 1992.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-FIFTH DAY - APRIL 6, 1992

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

NINETY-SECOND LEGISLATURE
SECOND SESSION

FIFTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, April 6, 1992

Pursuant to adjournment, the Legislature met at 8:03 a.m., Speaker Baack presiding.

PRAYER

The prayer was offered by Phil Lamb from Yakima, Washington, son of Senator Howard Lamb.

ROLL CALL

The roll was called and all members were present except Mrs. Labedz who was excused; and Messrs. Abboud, Ashford, Beyer, Chambers, Conway, Elmer, Hall, R. Johnson, Kristensen, Landis, Lindsay, Schmit, Wesely, Wickersham, and Mrs. Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-fourth day was approved.

REPORT

Received report from the Department of Environmental Control on Nebraska Ground Water Quality Protection Strategy.

MOTION - Suspend Rules

Mr. Moore moved to suspend the rules, Rule 6, Section 7(b) to permit consideration of LB 1022 on Final Reading today.

The Moore motion to suspend the rules prevailed with 30 ayes, 0 nays, 3 present and not voting, and 16 excused and not voting.

UNANIMOUS CONSENT - Member Excused

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Return LB 1022 to Select File

Mr. Lamb moved to return LB 1022 to Select File for the following specific amendment:
FA366
Strike the enacting clause.

Mr. Lamb withdrew his motion to return.

Mr. Moore moved to return LB 1022 to Select File for the following specific amendment:
FA367
Strike the enacting clause.

Mr. Moore withdrew his motion to return.

Mr. Warner moved to return LB 1022 to Select File for the following specific amendment:
FA368
Strike the enacting clause.

Mr. Warner withdrew his motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1022. With Emergency.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1991, LB 647A, section 1; Laws 1991, LB 652, section 29; Laws 1991, LB 701A, section 4; Laws 1991, LB 732A, sections 1 and 2; Laws 1991, LB 829A, section 1; Laws 1991, LB 842, section 1; Laws 1991, LB 843, sections 7, 8, 12, 15, 16, 18, 27, 28, 29, 36, 45, 48, 51, 62, 70, 80, 84, and 88; Laws 1991, LB 846A, section 10; and Laws 1991, LB 847, sections 5, 6, 19, 27, 31, 32, 34, and 42; to change certain appropriations as prescribed; to provide for deficit appropriations; to appropriate funds for the expenses of state government and capital construction; to state intent; to change the membership of a council; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

Ashford
Baack
Bernard-Stevens
Beyer
Bohlke
Byars
Chizek
Conway
Coordsen
Crosby
Cudaback
Dierks
Elmer
Haberman
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Johnson, R.
Kristensen
Lindsay
Lynch
Moore
Morrissey
Nelson
Pirsch
Rasmussen
Robak
Robinson
Rogers
Schellpeper
Schimek
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 2:

Lamb
Peterson

Excused and not voting, 7:

Abboud
Beutler
Chambers
Hall
Labedz
Landis
Schmit

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 1268. With Emergency.

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend section 84-612, Revised Statutes Supplement, 1991; to provide for and eliminate transfers from such fund; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 38:

Ashford
Baack
Bernard-Stevens
Beyer
Bohlke
Byars
Chizek
Conway
Coordsen
Crosby
Cudaback
Dierks
Elmer
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Johnson, R.
Kristensen
Lamb
Lindsay
Lynch
Moore
Morrissey
Pirsch
Rasmussen
Robak
Rogers
Schellpeper
Schimek
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 0.

Present and not voting, 3:

Nelson
Peterson
Robinson

Excused and not voting, 8:

Abboud
Beutler
Chambers
Haberman
Hall
Labedz
Landis
Schmit

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1292. With Emergency.

A BILL FOR AN ACT relating to claims against the state; to appropriate funds for the payment of certain claims; to provide for payment of the claims; to authorize certain write-offs as prescribed; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Ashford
Baack
Bernard-Stevens
Beyer
Bohlke
Byars
Chizek
Conway
Coordsen

Crosby
Cudaback
Dierks
Elmer
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Johnson, R.
Kristensen
Lamb
Landis
Lindsay
Lynch
Moore
Morrissey
Nelson
Peterson
Pirsch
Rasmussen
Robak
Robinson
Rogers
Schellpeper
Schimek
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 0.

Excused and not voting, 7:

Abboud
Beutler
Chambers
Haberman
Hall
Labedz
Schmit

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Reengrossed

The following bill was correctly reengrossed: 245A.

Correctly Engrossed

The following bills were correctly engrossed: 447A, 1006, 1006A, and 1241A.

Enrollment and Review Change to LB 1006

The following changes, required to be reported for publication in the Journal, have been made:
ER7162

1. In the Wesely amendment, AM3790 on page 10, line 16, "72-1269" has been struck, shown as stricken, and "72-1276" inserted
2. In the Landis amendment, AM3448:
   a. On page 10, line 23, an underscored comma has been inserted after "operation";
   b. On page 35, line 3, "a" has been inserted after "of"; and
   c. On page 46, line 4, "96" has been struck and "100" inserted.
3. In the E & R amendments, AM5266, amendments 2 and 3 have been struck and the remaining amendments renumbered accordingly.

4. On page 1, lines 2 through 10 have been struck and "44-145, 44-147.05, 44-704, 44-2825, 44-3601, 44-3607, 44-3608, 44-3609, 44-4206, 44-4218, 44-4219, 44-4221, 44-4223, 44-4226, 44-4231, 44-4233, 44-4235, 44-4501, 44-4503, 44-4516, 44-4517, 48-128, 48-145.04, and 48-162.02, Reissue Revised Statutes of Nebraska, 1943, sections 44-139 to 44-142, 44-147 to 44-147.04, 44-147.06, 44-2013, 44-3602 to 44-3604, 44-3606, 44-3608.01, 44-4216, 44-4217, 44-4220, 44-4222, 44-4509, 44-4513, 44-4515, 44-4719, and 48-146.03, Revised Statutes Supplement, 1990, and sections 44-1540, 44-3610, 44-4225, and 44-4227, Revised Statutes Supplement, 1991; to" inserted.

5. On page 2, line 2, "to change a penalty;" has been inserted after the semicolon; in line 3 "to change eligibility provisions for insurance applications; to prohibit certain claims settlement practices relating to motor vehicle glass repair and replacement; to change recovery limits under the Nebraska Hospital-Medical Liability Act;" has been inserted after the semicolon; in line 5 ", the Comprehensive Health Insurance Pool Act," has been inserted after "Act"; in line 9 "an administrative penalty" has been struck and "administrative penalties" inserted; in line 11 "and" has been struck and a comma inserted; in line 13 ", and Third-Party Administrator Act; to change insurer contributions and deductible options relating to workers' compensation coverage; to change provisions relating to the Second Injury Fund and the Vocational Rehabilitation Fund; to change the self-insurance assessment duties of the Nebraska Workers' Compensation Court" has been inserted after "Act"; in line 16 "and" has been struck; and in line 18 ", and section 44-4234, Revised Statutes Supplement, 1991; and to declare an emergency" has been inserted after "1990".

Enrollment and Review Change to LB 1241A

The following changes, required to be reported for publication in the Journal, have been made:

ER7166

1. On page 1, line 4, "to appropriate funds for renovation of a building;" has been inserted after the semicolon.

(Signed) Eric Will, Chairperson

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 1022, 1268, and 1292.

SELECT FILE

LEGISLATIVE BILL 719A. The Warner-Withem pending amendment, AM3834, found in the Journal on page 1759 and considered on page 1935, was renewed.

Mr. Wickersham offered the following amendment to the Warner-Withem pending amendment:
AM3988

(Amendments to AM3834)

1. On page 1, lines 9 and 14, strike "actually subjected to property tax".
2. On page 2, lines 18 and 22, strike "taxable"; and strike beginning with "pursuant" in line 22 through "thereto" in line 24.
3. On page 3, line 4, after "use" insert "and subject to a property tax levy".

Mr. Wesely asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Wickersham moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Wickersham requested a roll call vote on his amendment.

Voting in the affirmative, 17:

Coordsen
Cudaback
Dierks
Elmer
Hefner
Johnson, L.
Lamb
Lynch
Moore
Morrissey
Peterson
Rogers
Schellpeper
Schimek
Schmit
Schrock
Wickersham

Voting in the negative, 20:

Ashford
Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Byars
Conway
Crosby
Hartnett
Horgan
Kristensen
Landis
Lindsay
Pirsch
Rasmussen
Warner
Wehrbein
Will
Withem

Present and not voting, 7:

Chambers
Chizek
Hillman
Johnson, R.
Nelson
Robak
Robinson

Excused and not voting, 5:

Abboud Haberman Hall Labedz Wesely

The Wickersham amendment lost with 17 ayes, 20 nays, 7 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Moore offered the following amendment to the Warner-Withem pending amendment:
AM4021

(Amendments to AM3834)

1. Insert the following new section:

"Sec. 213. (1) The Tax Commissioner in determining the taxable value of flight equipment of air carriers as defined by section 77-1244 shall determine the following ratios involving flight equipment of air carriers and commercial and industrial personal property:

(a) The ratio of the taxable value of all commercial and industrial personal property in the state actually subjected to property tax divided by the market value of all commercial and industrial personal property in the state; and

(b) The ratio of the taxable value of flight equipment to the market value of flight equipment. The numerator of the ratio shall be the taxable value of flight equipment. The denominator of the ratio shall be the air carrier system value allocated to Nebraska and multiplied by a factor representing the net book value of flight equipment divided by the net book value of total air carrier property.

(2) If the ratio of the taxable value of air carrier flight equipment exceeds the ratio of the comparable taxable commercial and industrial personal property by more than five percent and the Tax Commissioner has adjusted the value of railroad and car line personal property pursuant to section 212 of this act, the Tax Commissioner shall adjust the value of such air carrier flight equipment to the percentage of the comparable taxable commercial and industrial personal property.

(3) For purposes of this section, commercial and industrial personal property shall mean all personal property which is devoted to commercial or industrial

use other than rail transportation property, air carrier flight equipment, and land used primarily for agricultural purposes.".

2. On page 2, line 20, strike "may" and insert "shall".

3. On page 3, line 4, after "property" insert ", air carrier flight equipment,"; in line 10 strike "215" and insert "216"; and in line 11 strike "216" and insert "217".

4. Renumber the remaining section accordingly.

Mr. Moore moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Moore requested a roll call vote on his amendment.

Voting in the affirmative, 18:

Conway
Coordsen
Cudaback
Dierks
Elmer
Hefner
Johnson, L.
Johnson, R.
Lamb
Lynch
Moore
Morrissey
Peterson
Rogers
Schellpeper
Schmit
Schrock
Wickersham

Voting in the negative, 13:

Ashford
Baack
Beyer
Bohlke
Chizek
Crosby
Hillman
Kristensen
Landis
Pirsch
Warner
Wehrbein
Withem

Present and not voting, 14:

Bernard-Stevens
Beutler
Byars
Chambers
Hartnett
Horgan
Lindsay
Nelson
Rasmussen
Robak
Robinson
Schimek
Wesely
Will

Excused and not voting, 4:

Abboud
Haberman
Hall
Labedz

The Moore amendment lost with 18 ayes, 13 nays, 14 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Lindsay asked unanimous consent to be excused until he returns. No objections. So ordered.

MR. MORRISSEY PRESIDING

Messrs. Robinson, Haberman, and Chambers asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Withem moved the previous question. The question is, "Shall the debate now close?"

Mr. Withem moved for a call of the house. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

The motion to cease debate prevailed with 25 ayes, 3 nays, and 21 not voting.

Mr. Warner requested a roll call vote on the Warner-Withem pending amendment, AM3834.

Voting in the affirmative, 26:

Abboud
Ashford
Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Byars
Chizek
Conway
Crosby
Hartnett
Hillman
Horgan
Johnson, R.
Kristensen
Landis
Nelson
Pirsch
Rasmussen
Robak
Robinson
Warner
Wehrbein
Will
Withem

Voting in the negative, 19:

Coordsen
Cudaback
Dierks
Elmer
Hefner
Johnson, L.
Lamb
Lindsay
Lynch
Moore
Morrissey
Peterson
Rogers
Schellpeper
Schimek
Schmit
Schrock
Wesely
Wickersham

Excused and not voting, 4:

Chambers
Haberman
Hall
Labedz

The Warner-Withem amendment was adopted with 26 ayes, 19 nays, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Conway and Mrs. Rasmussen asked unanimous consent to be excused until they return. No objections. So ordered.

Messrs. Warner and Withem asked unanimous consent to replace their pending amendment, AM3914, found in the Journal on page 1823, with a substitute amendment. No objections. So ordered.

Messrs. Warner and Withem withdrew their pending amendment, AM3914, found in the Journal on page 1823.

Mr. Warner offered the following substitute amendment:
AM4010

1. Insert the following new section:

"Sec. 172. That section 77-2734.03, Reissue Revised Statutes of Nebraska, 1943, as amended by section 184, Legislative Bill 1063, Ninety-second Legislature, Second Session, 1992, be amended to read as follows:

77-2734.03. (1) Any (a) insurer paying a tax on premiums and assessments pursuant to section 77-908 or 81-523, (b) electric cooperative organized under the Joint Public Power Authority Act, or (c) credit union shall be credited, in the computation of the tax due under the Nebraska Revenue Act of 1967, with the amount paid during the taxable year as taxes on such premiums and assessments and taxes in lieu of intangible tax.

(2) There shall be allowed to corporate taxpayers a credit for nonhighway use motor vehicle fuels as provided in section 66-4,124.

(3) There shall be allowed to corporate taxpayers a renewable energy source systems credit or a builder's credit as provided in sections 66-1048 and 66-1050.

(4) There shall be allowed to corporate taxpayers a tax credit for contributions to community betterment programs as provided in the Community Development Assistance Act.".

The Warner amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Messrs. Schmit and Hefner offered the following amendment:
AM4014

1. In AM3777, on page 2, line 8, after "(3)" insert "For purposes of this section, gross tonnage

shall not include water and other carriers added by the retail seller of the fertilizer or any inactive or inert ingredients and shall not include sales of packages of fertilizers containing ten pounds or less.

(4)".

Mrs. Hillman asked unanimous consent to be excused until she returns. No objections. So ordered.

SPEAKER BAACK PRESIDING

Mr. Lindsay asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Schmit moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Schmit requested a roll call vote on the Schmit-Hefner amendment.

Voting in the affirmative, 11:

Byars
Elmer
Hefner
Johnson, L.
Lynch
Moore
Morrissey
Peterson
Robak
Rogers
Schmit

Voting in the negative, 18:

Abboud
Ashford
Baack
Bernard-Stevens
Beyer
Bohlke
Chizek
Crosby
Horgan
Kristensen
Landis
Nelson
Pirsch
Schimek
Schrock
Warner
Will
Withem

Present and not voting, 10:

Beutler
Coordsen
Cudaback
Dierks
Hartnett
Lamb
Robinson
Schellpeper
Wehrbein
Wickersham

Absent and not voting, 1:

Wesely

Excused and not voting, 9:

Chambers
Conway
Haberman
Hall
Hillman
Johnson, R.
Labedz
Lindsay
Rasmussen

The Schmit-Hefner amendment lost with 11 ayes, 18 nays, 10 present and not voting, 1 absent and not voting, and 9 excused and not voting.

Pending.

MOTION - Withdraw LB 1184A

Mrs. Rasmussen moved to withdraw LB 1184A.

Laid over.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 6, 1992, at 9:45 a.m., were the following bills: 1022, 1268, and 1292.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

UNANIMOUS CONSENT - Print in Journal

Mr. Robinson asked unanimous consent to print the following amendments to LB 962 in the Journal. No objections. So ordered.

(1)

AM4041

(Amendments to AM3689)

1. On page 3, line 9, after the last comma insert "sex,".

(2)

AM4042

(Amendments to AM3689)

1. On page 3, line 11, strike "and"; and in line 13 after "requirement" insert ", and fulfills the teacher tenure requirements prescribed in sections 79-12,107 to 79-12,121 or a comparable state

requirement".

(3)

AM4043

(Amendments to AM3689)

1. On page 3, line 11, strike "and"; and in line 13 after "requirement" insert ", and fulfills the student suspension and expulsion requirements prescribed in sections 79-4,170 to 79-4,205 or a comparable state requirement".

(4)

AM4048

(Amendments to AM3689)

1. On page 3, line 11, strike "and"; and in line 13 after "requirement" insert ", and fulfills the teacher certification and accreditation requirements prescribed in sections 79-1233 to 79-1247.16 or a comparable state requirement".

(5)

AM4049

(Amendments to AM3689)

1. On page 3, line 11, strike "and"; and in line 13 after "requirement" insert ", and fulfills the special education requirements prescribed in the Special Education Act or a comparable state requirement".

Mr. Kristensen asked unanimous consent to print the following amendment to LB 319 in the Journal. No objections. So ordered.

AM3715

(Amendments to Final Reading copy)

1. Insert the following new sections:

"Sec. 2. That section 60-311, Revised Statutes Supplement, 1990, be amended to read as follows:

60-311. (1) The Department of Motor Vehicles shall furnish to every person whose motor vehicle is registered two fully reflectorized number plates, except that only one plate shall be issued to dealers or for motorcycles, truck-tractors, semitrailers, and buses, upon which plates shall be displayed (a) the registration number assigned to such motor vehicle in figures not less than two and one-half inches nor more than three inches in height and (b) also the word Nebraska suitably lettered so as to be attractive. The plates shall be of a color designated by the Director of Motor Vehicles. The color of the plates shall be changed each time the license plates are changed. Each time the license plates are changed the director shall secure competitive bids for materials pursuant to sections 81-145 to 81-163.01.

(2) Except for plates issued pursuant to section 60-305.16, number plates shall be issued every three years beginning with the number plates issued in the year 1984. In the years in which plates are not issued, in lieu of furnishing such plates, the department shall furnish to every person whose motor vehicle is registered one or two renewal tabs, as the case may be, which renewal tabs shall bear the year for which furnished and be so constructed as to permit them to be permanently affixed to the plates.

(3) The department may provide a distinctive license plate for all motor vehicles owned or operated by the state, counties, municipalities, or school districts. Such government-owned motor vehicles shall display such distinctive license plates when such license plates are issued.

(4) The department shall provide a distinctive plate for issuance pursuant to section 60-305.16. Issuance of such plates shall begin not later than January 1, 1991.

(5) ~~Whenever~~ Until January 1, 1993, whenever new license plates, including duplicate or replacement license plates but not including permanent license plates issued for a trailer or semitrailer pursuant to section 60-305.16, are furnished to any person, a fee of one dollar and fifteen cents per plate shall be charged in addition to all other required fees. Beginning January 1, 1993, whenever new license plates, including duplicate or replacement license plates, are furnished to any person, a fee of one dollar and fifty cents per plate shall be charged in addition to all other required fees. Such fee shall cover the cost of the plate and renewal tabs. All fees collected pursuant to this section shall be remitted to the State Treasurer for credit to the Highway Trust Fund.

(6) There is hereby created the License Plate Cash Fund which shall consist of money transferred

to it pursuant to section 39-2215. All costs associated with the manufacture of license plates and stickers or tabs provided for in this section and sections 60-311.02 and 60-1804 shall be paid from funds appropriated from the License Plate Cash Fund. The fund shall be used exclusively for such purposes and shall be administered by the department. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.

Sec. 7. That original section 60-311, Revised Statutes Supplement, 1990, is repealed.".

2. On page 1, line 3, strike "section" and insert "sections 60-311 and"; in line 6 after "registration" insert "and license plate"; and in line 8 strike "an operative date" and insert "operative dates".

3. On page 7, line 23, strike "This" and insert "Sections 1, 3 to 4, and 6 of this"; and in line 24 after the period insert "The other sections of this act shall become operative on their effective date.".

4. Renumber the remaining sections accordingly.

UNANIMOUS CONSENT - Unbracket LB 339

Mr. Lamb asked unanimous consent to unbracket LB 339. No objections. So ordered.

VISITORS

Visitors to the Chamber were 27 kindergarten through eighth grade students and teachers from Octavia; four seventh and eighth grade students and teacher from Christ Lutheran School, Grand Island; 12 seniors and teacher from Clarkson; 69 fourth grade students and teachers from Golden Hill Elementary, Omaha; and a group of the Sophomore Pilgrimage from the Nebraska Federation of Women's Clubs.

RECESS

At 12:07 p.m., on a motion by Mr. Byars, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Baack presiding.

ROLL CALL

The roll was called and all members were present except Mrs. Labedz who was excused; and Messrs. Ashford, Haberman, Hall, Horgan, Morrissey, Peterson, Robinson, Schellpeper, Wesely, Will, and Mrs. Rasmussen who were excused until they arrive.

UNANIMOUS CONSENT - Member Excused

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

COMMUNICATION

Received from the General Assembly of Virginia a copy of House Joint Resolution No. 62, agreed to during the 1992 Session, which requests that state legislatures apply to Congress for proposal of a Constitutional amendment providing power to the President for a line-item veto of appropriation measures.

SELECT FILE

LEGISLATIVE BILL 719A. Mrs. Nelson and Mr. Wickersham renewed their pending amendment, FA365, found in the Journal on page 1940.

The Nelson-Wickersham amendment was adopted with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

Mr. Warner offered the following amendment:
AM4044

1. In FA363, insert the following new section:

"Sec. 167. That section 77-202.24, Revised Statutes Supplement, 1991, be amended to read as follows:

77-202.24. The following ~~classes of personal~~ property shall be exempt from taxation:

(1) A mobile home owned and occupied by a disabled or blind honorably discharged veteran of the United States Armed Forces whose disability or blindness is recognized by the United States Department of Veterans Affairs as service connected; and

(2) One motor vehicle owned and used for his

or her personal transportation by a disabled or blind honorably discharged veteran of the United States Armed Forces whose disability or blindness is recognized by the United States Department of Veterans Affairs as service connected.".

2. In AM3924, on page 1, line 8, after "1992" insert ", and sections 77-1201 and 77-1229".

3. In AM3908, on page 4, line 18, after "on" insert "or after".

The Warner amendment was adopted with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

Mr. Elmer requested a machine vote on the advancement of the bill.

Mr. Warner moved for a call of the house. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Mr. Warner requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 27:

Abboud
Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Byars
Chizek
Conway
Crosby
Cudaback
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Johnson, R.
Kristensen
Landis
Nelson
Pirsch
Robak
Robinson
Schrock
Warner
Wehrbein
Withem

Voting in the negative, 10:

Coordsen
Elmer
Hall
Lynch
Moore
Morrissey
Rogers
Schellpeper
Schimek
Schmit

Present and not voting, 4:

Chambers
Lamb
Lindsay
Wickersham

Excused and not voting, 8:

Ashford
Dierks
Haberman
Labedz
Peterson
Rasmussen
Wesely
Will

Advanced to E & R for engrossment with 27 ayes, 10 nays, 4 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

GENERAL FILE

LEGISLATIVE BILL 1240. The Standing Committee amendment, AM2885, printed separately from the Journal and referred to on page 902, and amended on page 1847, was renewed.

The Standing Committee amendment, as amended, was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 1240A. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 1059. Title read. Considered.

Mr. Rogers asked unanimous consent to be excused until he returns. No objections. So ordered.

MR. CONWAY PRESIDING

Mr. Beutler renewed his pending amendment, AM3825, found in the Journal on page 1783.

The Beutler amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. Moore asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER BAACK PRESIDING

Mr. Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Crosby moved the previous question. The question is, "Shall the debate now close?"

Mr. Beutler moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

The motion to cease debate prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Haberman requested a record vote on the advancement of the bill.

Voting in the affirmative, 27:

Abboud
Ashford
Bernard-Stevens
Beutler
Beyer
Chambers
Chizek
Conway
Crosby
Hall
Hartnett
Horgan
Landis
Lindsay
Lynch
Morrissey
Nelson
Pirsch
Rasmussen
Robinson
Schimek
Schmit
Warner
Wehrbein
Wesely
Will
Withem

Voting in the negative, 19:

Baack
Bohlke
Byars
Cudaback
Dierks
Elmer
Haberman
Hefner
Hillman
Johnson, L.
Johnson, R.
Kristensen
Lamb
Peterson
Robak
Rogers
Schellpeper
Schrock
Wickersham

Excused and not voting, 3:

Coordsen
Labedz
Moore

Advanced to E & R for review with 27 ayes, 19 nays, and 3 excused and not voting.

The Chair declared the call raised.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Reengrossed

The following bill was correctly reengrossed: 366.

Enrollment and Review Change to LB 366

The following changes, required to be reported for publication in the Journal, have been made:
ER7165

1. The following new section has been inserted:

"Sec. 72. That original sections 89-186 and 89-187, Revised Statutes Supplement, 1991, are repealed.".

2. In the Rogers amendment, AM3836:

a. On page 1, line 7, the first comma has been struck and shown as stricken; and in line 17 the comma has been struck and shown as stricken;

b. On page 31, line 16, the comma has been struck and shown as stricken; and in line 23 an underscored comma has been inserted after "sale";

c. On page 32, line 1, an underscored comma has been inserted after "consumer"; and in line 4 "shall" has been struck and shown as stricken;

d. On page 33, line 12, the first comma has been struck and shown as stricken; and in line 13 the comma has been struck and shown as stricken;

e. On page 36, line 14, "the" has been inserted before "name"; and in line 21 the second comma has been struck and shown as stricken;

f. On page 42, line 16, an underscored comma has been inserted after "of";

g. On page 43, line 16, the second comma has been struck and shown as stricken;

h. On page 47, line 8, "said" has been struck, shown as stricken, and "the" inserted;

i. On page 50, line 4, the comma has been struck and shown as stricken; and in line 7 "Applicants" has been struck, shown as stricken, and "An applicant" inserted;

j. On page 51, line 17, "hereunder" has been struck, shown as stricken, and "under the act" inserted;

k. On page 67, line 10, the comma has been struck and shown as stricken;

l. On page 75, line 19, "2-4325" has been struck and "2-3505, 2-4325, 54-785, 54-786, 54-788, 54-792, 54-793, 54-796" inserted; and in line 21 "81-262," has been inserted after the second comma; and

m. On page 76, line 4, "and" has been struck; and in line 6 "and sections 54-2297, 81-2,239, 81-2,240, 81-2,247, 81-2,248, 81-2,250, and 81-2,253, Revised Statutes Supplement, 1991," has been inserted after the first comma.

3. In the Rogers amendment, AM3838:

a. Sections 29 and 30 have been struck;

b. On page 3, lines 7, 8, 10, and 11; page 4, lines 10, 11, 22, and 23; and page 5, lines 4, 5, 17, and 18, the new matter has been struck and the stricken matter reinstated;

c. On page 5, line 23, "such law" has been struck and "the Nebraska Pasteurized Milk Law" inserted;

d. On page 6, line 2, "Reissue" has been inserted after the comma; and in line 3 "Supplement, 1990" has been struck and "of Nebraska, 1943" inserted;

e. On page 8, line 2, an underscored comma has been inserted after "state"; and in line 21 the last comma and "shall be" have been struck and shown as stricken;

f. On page 9, line 2, "the bureau deems" has been struck and "if the bureau deems such a permit" inserted; and in line 20 the comma has been struck;

g. On page 12, line 14, an underscored comma has been inserted after "handled";

h. On page 13, line 21, "20 and 22" has been struck and "60 and 62" inserted;

i. On page 14, line 9, "20" has been struck and "60" inserted;

j. On page 17, lines 18, 19, and 20, the comma has been struck; and in line 22 the period has been struck and an underscored semicolon inserted; and

k. On page 18, line 1, the commas have been struck; in line 2 the period has been struck and an underscored semicolon inserted; in line 9 the period has been struck and "; and" inserted; in line 16 "28" has been struck and "71" inserted; and in line 17 "Sections 67, 68, and 72 of this act shall become operative three calendar months after the adjournment of this legislative session." has been inserted after the period.

4. On page 1, lines 1 through 10 and all amendments thereto have been struck and

"FOR AN ACT relating to agriculture; to amend sections sections 2-3505, 2-3901, 2-3905, 2-3906, 2-3912, 2-4325, 54-785, 54-786, 54-788, 54-792, 54-793, 54-796, 54-849, 54-852, 54-854, 54-855, 54-856, 54-858, 54-859, 54-860, 54-863, 81-262, 81-2,162.02, 81-2,162.03, 81-2,162.05, 81-2,162.07, 81-2,162.11, 81-2,162.12, 81-2,162.13, 81-2,162.15, 81-2,162.16, 81-2,162.17, 81-2,162.18, 81-2,162.20, 81-2,162.21, 81-2,162.23, 81-2,162.25, 81-2,165, 81-2,166, 81-2,167, 81-2,168, 81-2,169, 81-2,170, 81-2,171, 81-2,173, 81-2,176, 81-2,177.01, 81-2,179, 81-2,180, 88-544, and 88-549, Reissue Revised Statutes of Nebraska, 1943, and sections 81-2,147.01, 81-2,162.06, and 88-547, Revised Statutes Supplement, 1990, and sections 54-2297, 81-2,239, 81-2,240, 81-2,247, 81-2,248, 81-2,250, 81-2,253, 89-186, and 89-187, Revised Statutes Supplement, 1991; to change provisions relating to storage temperatures for eggs, federal regulations adopted by reference, sampling and analysis of liming materials, and importation of animals into and exportation of animals out of the state; to define and redefine terms; to provide for and change fees; to name the Animal Importation Act and the Nebraska Apiary Act; to provide for and change provisions relating to rules, regulations, and penalties; to eliminate provisions relating to registration for manufacture or distribution of commercial feed and commercial fertilizer; to change requirements relating to the labeling of commercial feed and commercial fertilizer as prescribed; to provide for licensure for manufacture or distribution of commercial fertilizer and soil conditioner; to correct the name of an association; to change provisions relating to adulterated commercial feed and the filing of a report by distributors of commercial fertilizer or soil conditioners; to change provisions relating to registration under and enforcement of the Nebraska Apiary Act; to change provisions relating to the feeding of bees and the treatment and importation of diseased bees; to provide for an inspection report form after inspection of a food establishment or vending machine operation as prescribed; to change provisions relating to warehouses with regard to termination of storage, closure, and storage rates as prescribed; to change the distribution of inspection fees for grain moisture testing devices; to create a fund; to change the registration fee and device inspection fees for weighing and measuring establishments; to harmonize provisions; to provide operative dates; to repeal the original sections, and also section 54-851, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency." inserted.

(Signed) Eric Will, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1237. Title read. Considered.

Mrs. Hillman, Messrs. R. Johnson, Robinson, Elmer, and Haberman asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Withem asked unanimous consent to bracket LB 1237 until April 20, 1992. No objections. So ordered.

Mr. Chambers asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 1001. Title read. Considered.

Standing Committee amendment, AM2754, found in the Journal on page 702, was considered.

Mr. Cudaback asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Abboud moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Standing Committee amendment lost with 3 ayes, 16 nays, 22 present and not voting, and 8 excused and not voting.

MR. WARNER PRESIDING

Mr. Baack renewed his pending amendment, AM3526, found in the Journal on page 1384.

Mrs. Nelson renewed her pending amendment, AM3780, found in the Journal on page 1741, to the Baack pending amendment.

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

The Nelson amendment was adopted with 21 ayes, 0 nays, 19 present and not voting, and 9 excused and not voting.

Mr. Chizek asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Baack moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

The Baack amendment, as amended, was adopted with 26 ayes, 1 nay, 12 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Messrs. Lamb and Schrock asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Baack renewed his pending amendment, AM3934, found in the Journal on page 1868.

Messrs. Peterson, Hefner, and L. Johnson asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Baack moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

The Baack amendment was adopted with 26 ayes, 0 nays, 8 present and not voting, and 15 excused and not voting.

SPEAKER BAACK PRESIDING

Mr. Wickersham renewed his pending amendment, AM3951, found in the Journal on page 1874.

The Wickersham amendment was adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

The Chair declared the call raised.

Mr. Warner offered the following amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM3950.)

Mr. Hall asked unanimous consent to be excused until he returns. No objections. So ordered.

The Warner amendment was adopted with 28 ayes, 0 nays, 7 present and not voting, and 14 excused and not voting.

Mr. Wickersham offered the following amendment:
AM3683

1. Insert the following new section:

"Sec. 8. That section 79-1501, Revised Statutes Supplement, 1991, be amended to read as follows:

79-1501. For purposes of the School Employees Retirement Act, unless the context otherwise requires:

(1) Accumulated contributions shall mean the sum of all amounts deducted from the compensation of a member and credited to his or her individual account in the School Retirement Fund together with regular interest thereon, compounded monthly, quarterly, semiannually, or annually;

(2) Beneficiary shall mean any person in receipt of a school retirement allowance or other benefit provided by the act;

(3) Member shall mean any person who has an account in the School Retirement Fund;

(4) County school official shall mean the

county superintendent or district superintendent and any person serving in his or her office who is required by law to have a teacher's certificate;

(5) Creditable service shall mean prior service for which credit is granted under sections 79-1515 to 79-1518 plus all service rendered while a member of the retirement system and shall include working days, sick days, vacation days, holidays, and any other leave days for which the employee is paid regular wages as part of the employee's agreement with the employer. Creditable service shall not include lump-sum payments to the employee upon termination or retirement in lieu of accrued benefits for such days;

(6) Disability retirement allowance shall mean the annuity paid to a person upon retirement for disability under section 79-1524;

(7) Employer shall mean the State of Nebraska or any subdivision thereof or agency of the state or subdivision authorized by law to hire school employees or to pay their compensation;

(8) Fiscal year shall mean any year beginning July 1 and ending June 30 next following;

(9) Regular interest shall mean interest at such a rate as shall be determined by the retirement board in conformity with actual and expected earnings on its investments;

(10) Junior school employee shall mean a school employee who has not arrived at his or her twenty-first birthday anniversary on August 15 preceding;

(11) Present senior school employee shall mean a senior school employee who was employed within the State of Nebraska on September 1, 1945;

(12) School employee shall mean a contributing member who acquires five hundred sixteen hours or more of service in a fiscal year and thereby earns one-half year of service credit. A contributing member who acquires one thousand thirty-two hours or more of service in a fiscal year shall earn one year of service credit. For purposes of this subdivision, contributing member shall mean the following persons who receive compensation from a public school: (a) Regular teachers and administrators employed on a written contract basis; (b) regular employees, not certified, hired upon a full-time basis which contemplates a work week of not

less than thirty hours; and (c) part-time employees hired on a work week of not less than fifteen hours;

(13) Prior service shall mean service rendered as a school employee in the public schools of the State of Nebraska prior to July 1, 1945;

(14) Public school shall mean any and all schools supported by public funds and wholly under the control and management of the State of Nebraska or any subdivision thereof, including schools or other entities established, maintained, and controlled by the school boards of local school districts and schools under the control and management of the Nebraska state colleges or the Board of Regents of the University of Nebraska, any educational service unit, and any other educational institution wholly supported by public funds;

(15) Retirement shall mean qualifying for and accepting a school or disability retirement allowance granted under the act;

(16) Retirement board or board shall mean the Public Employees Retirement Board;

(17) Retirement system shall mean the School Retirement System of the State of Nebraska;

(18) Required deposit shall mean the deduction from a member's compensation as provided for in section 79-1531 which shall be deposited in the School Retirement Fund;

(19) School year shall mean one fiscal year which shall include not less than one thousand thirty-two instructional hours or, in the case of service in the State of Nebraska prior to July 1, 1945, not less than seventy-five percent of the then legal school year;

(20) Senior school employee shall mean a school employee who has arrived at his or her twenty-first birthday anniversary on August 15 preceding;

(21) Service shall mean service as a school employee;

(22) School retirement allowance shall mean the total of the savings annuity and the service annuity or formula annuity paid a person who has retired under sections 79-1520 to 79-1522.03. The monthly payments shall be payable at the end of each calendar month during the life of a retired member. The first payment shall include all amounts accrued since the effective

date of the award of annuity. The last payment shall be at the end of the calendar month in which such member dies;

(23) Service annuity shall mean payments for life, made in equal monthly installments, derived from appropriations made by the State of Nebraska to the retirement system;

(24) State deposit shall mean the deposit by the state in the retirement system on behalf of any member;

(25) State school official shall mean the Commissioner of Education and his or her professional staff and the assistant commissioner of education in charge of vocational education and his or her professional staff;

(26) Savings annuity shall mean payments for life, made in equal monthly payments, derived from the accumulated contributions of a member;

(27) Emeritus member shall mean a person (a) who has entered retirement under the provisions of the act, including those persons who have retired since July 1, 1945, under any other regularly established retirement or pension system as contemplated by section 79-1512, (b) who has thereafter been reemployed in any capacity by a public school in Nebraska or has become a state school official or county school official subsequent to such retirement, and (c) who has applied to the board for emeritus membership in the retirement system. The school district or agency shall certify to the retirement board on forms prescribed by the retirement board that the annuitant was reemployed, rendered a service, and was paid by the district or agency for such services;

(28) Primary carrier shall mean the life insurance companies and trust companies designated as the underwriter or trustee of the retirement system;

(29) Actuarial equivalent shall mean the equality in value of the aggregate amounts expected to be received under different forms of payment. The determinations shall be based on the 1971 Group Annuity Mortality Table reflecting sex-distinct factors blended using twenty-five percent of the male table and seventy-five percent of the female table. An interest rate of seven percent per annum shall be reflected in making these determinations;

(30) Retirement date shall mean the first day of the month following the date upon which a member's request for retirement is received on an application form provided by the retirement system if the member has ceased employment in the school system. An application may be filed no more than ninety days in advance of the date on which a member ceases employment in the school system;

(31) Disability retirement date shall mean the first day of the month following the date upon which a member's request for disability retirement is received on an application form provided by the retirement system if the member has ceased employment in the school system and has complied with sections 79-1523 to 79-1526 as such sections refer to disability retirement; and

(32) Retirement application form shall mean the form approved by the retirement system for acceptance of a member's request for either regular or disability retirement.".

2. On page 22, line 19, strike "section 79-1032" and insert "sections 79-1032 and 79-1501".

3. Renumber the remaining sections accordingly.

Messrs. Coordsen and Schellpeper asked unanimous consent to be excused until they return. No objections. So ordered.

The Wickersham amendment was adopted with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

Mr. Dierks asked unanimous consent to replace his pending amendment, AM3941, on file in the Clerk's Office and referred to on page 1906, with a substitute amendment. No objections. So ordered.

Mr. Dierks withdrew his pending amendment, AM3941, found in the Journal on page 1906.

Mr. Dierks offered the following substitute amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM4066.)

Mr. Conway asked unanimous consent to be excused until he returns. No objections. So ordered.

The Dierks amendment was adopted with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

Messrs. Horgan and Hall offered the following amendment:
AM4017

1. Insert the following new sections:

"Sec. 8. That section 79-3402, Revised Statutes Supplement, 1990, be amended to read as follows:

79-3402. For purposes of sections 79-3401 to 79-3417:

(1) Enrollment option program shall mean the program established in section 79-3403;

(2) Option school district shall mean the public school district that a student chooses to attend other than his or her resident school district;

(3) Option student shall mean a student that has chosen to attend a public school district other than his or her resident school district; ~~and~~

(4) Resident school district shall mean the public school district in which a student resides; and

(5) Siblings shall mean all children residing in the same household on a permanent basis who have the same mother or father or who are stepbrother or stepsister to each other.

Sec. 9. That section 79-3407, Revised Statutes Supplement, 1991, be amended to read as follows:

79-3407. (1) Except as provided in section 79-3409, the school board or board of education of the option school district shall adopt by resolution specific standards for acceptance and rejection of applications. Standards may include the capacity of a program, class, grade level, or school building or the availability of appropriate special education programs operated by the option district. Capacity shall be determined by setting a maximum number of option students that a district will accept in any program, class, grade level, or school building, based upon available staff, facilities, projected enrollment of resident students, projected number of students with which the option district will contract based on existing contractual arrangements, and availability of appropriate special education programs. The school board or board of education of the option school district may by resolution declare a program, a class, or a school unavailable to option students due to lack of capacity. Standards shall not include previous academic achievement, athletic or other extracurricular ability, handicapping conditions, proficiency in the English language, or previous disciplinary proceedings.

(2) A school district that has a desegregation plan adopted by the school board or the board of education or ordered by the federal court may limit the number of students who transfer into or out of the school district. The school board or board of education of such school district shall adopt specific standards for acceptance and rejection of applications for transfer into or out of such district. Standards shall be designed to facilitate the school district's desegregation plan and maintain or improve the integration of the school district.

(3) Any option school district shall give first priority for enrollment to option students whose request for enrollment would aid the racial integration of the option school district and the resident school district and to siblings of option students, except that the option school district shall not be required to accept the sibling of an option student if the district is at capacity, except as provided in subsection (4) of section 79-3409.

(4) For purposes of this section, racial integration is aided if a student transfers to an option school district in which his or her race is a smaller percentage of the total student enrollment of the option school district than it is of the student's resident school district.

Sec. 10. That section 79-3409, Revised Statutes Supplement, 1991, be amended to read as follows:

79-3409. (1) Upon agreement of the school boards or boards of education of the resident school district and the option school district, the deadlines for application and approval or rejection prescribed in sections 79-3406 and 79-3408 may be waived.

(2) The application of a student who relocates in a different school district but wants to continue attending his or her original resident school district and who has been enrolled in his or her original resident school district for the immediately preceding two years shall be automatically accepted, and the deadlines prescribed in sections 79-3406 and 79-3408

shall be waived.

(3) The application of an option student who relocates in a different school district but wants to continue attending the option school district shall be automatically accepted, and the deadlines prescribed in sections 79-3406 and 79-3408 shall be waived.

(4) The sibling of any option student shall be automatically accepted as an option student in the district in which the option student is enrolled and all deadlines imposed by sections 79-3406 and 79-3408 shall be waived if the sibling makes application for participation in the enrollment option program for the same school year as the option student first makes application or, if the sibling is not yet of school age for the school year for which the option student first made application, the sibling makes application for the first school year the sibling is of school age. Capacity limitations of the option district shall be waived as to siblings who meet the requirements for automatic acceptance as option students under this section.".

2. On page 22, line 18, strike "and" and after the last comma insert "and 79-3402,"; and in line 19 strike "section 79-1032" and insert "sections 79-1032, 79-3407, and 79-3409".

3. Renumber the remaining sections accordingly.

MR. WARNER PRESIDING

Messrs. Dierks, Ashford, Beyer, Byars, and R. Johnson asked unanimous consent to be excused until they return. No objections. So ordered.

The Horgan-Hall amendment was adopted with 27 ayes, 0 nays, 7 present and not voting, and 15 excused and not voting.

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for review with 26 ayes, 0 nays, 7 present and not voting, and 16 excused and not voting.

Mr. Morrissey asked unanimous consent to be excused. No objections. So ordered.

Messrs. Warner and Wickersham asked unanimous consent to be excused until they return. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Haberman asked unanimous consent to print the following amendment to LB 1114 in the Journal. No objections. So ordered.

AM4074

(Amendments to Standing Committee amendments, AM2979)

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. This act shall be known and may be cited as the Pesticide State Preemption Law.

Sec. 2. The Legislature finds that the citizens of this state benefit from a system of safe, effective, and scientifically sound pesticide regulation. The Legislature further finds that a system of pesticide regulation which is consistent and coordinated and which comports with the federal technical expertise is essential to the public health, safety, and welfare and that local regulation of pesticides does not materially assist in achieving these benefits.

Sec. 3. No city, town, county, or other political subdivision of this state shall adopt or continue in effect any ordinance, resolution, rule, regulation or statute regarding pesticide sale or use, including, but not limited to, registration, notification of use, advertising and marketing, distribution, applicator training and certification, storage, transportation, disposal, disclosure of confidential information, or product composition.".

Mr. Schellpeper asked unanimous consent to print the following amendment to LB 201 in the Journal. No objections. So ordered.

AM4075

1. Insert the following new sections:

"Sec. 3. That section 9-639, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

9-639. No manufacturer-distributor shall be licensed to conduct any other activity under the

Nebraska County and City Lottery Act. No manufacturer-distributor shall hold a license to conduct any other kind of gambling activity which is authorized or regulated under Chapter 9 except as provided in section 9-632. No manufacturer-distributor or employee, agent, or spouse of any manufacturer-distributor shall participate in the conduct or operation of any lottery conducted by any county, city, or village or any other kind of gambling activity which is authorized or regulated under Chapter 9 except to the exclusive extent of his or her statutory duties as a licensed manufacturer-distributor, ~~and~~ as provided in sections 9-233.01, 9-235, 9-330, and 9-332, and as a lottery contractor authorized under the State Lottery Act.

Sec. 4. That original section 9-639, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

2. Underscore the original sections and all amendments thereto.

Messrs. Landis and Hall asked unanimous consent to print the following amendment to LB 1240A in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM4073.)

Messrs. Lynch and Schrock asked unanimous consent to print the following amendment to LB 1011 in the Journal. No objections. So ordered.

AM4078

(Amendments to Final Reading copy)

1. Strike the original sections and insert the following new sections:

"Section 1. That section 77-2701, Revised Statutes Supplement, 1991, as amended by section 3, Legislative Bill 871, Ninety-second Legislature, Second Session, 1992, and section 180, Legislative Bill 1063, Ninety-second Legislature, Second Session, 1992, be amended to read as follows:

77-2701. Sections 77-2701 to 77-27,135 and sections 4 to 24 and 26 to 59 of this act and section 181 of this act and sections 3 and 5 of this act shall be known and may be cited as the Nebraska Revenue Act of 1967.

Sec. 2. That section 4, Legislature Bill 871, Ninety-second Legislature, Second Session, 1992, be amended to read as follows:

Sec. 4. For purposes of sections 77-2703 to 77-2713 and sections 4 to 24 and 26 to 59 of this act and section 3 of this act, unless the context otherwise requires, the definitions found in sections 5 to 24 of this act and section 3 of this act shall be used.

Sec. 3. Soft drinks shall mean nonalcoholic carbonated drinks but shall not include beverages regulated by the Nebraska Liquor Control Act.

Sec. 4. That section 44, Legislative Bill 871, Ninety-second Legislature, Second Session, 1992, be amended to read as follows:

Sec. 44. Sales and use taxes shall not be imposed on the gross receipts from the sale, lease, or rental of and the storage, use, or other consumption in this state of food or food products for human consumption which are eligible for purchase with food coupons issued by the United States Department of Agriculture pursuant to regulations in effect on October 1, 1983, regardless of whether the retailer from which the foods are purchased is participating in the food stamp program. For purposes of this section, food shall not include soft drinks, shall not include meals prepared for immediate consumption on or off the premises of the retailer, and shall not include foods sold through vending machines.

Sec. 5. Each year the Department of Revenue shall estimate the amount of revenue generated from July 1 of the previous year to June 30 of the current year by the removal of sales and use tax exemptions for soft drinks by this legislative bill. The Tax Commissioner shall certify the amount estimated to the State Treasurer by August 1 each year and shall provide a copy of the certification to the State Department of Education. Upon receipt of the certification, the State Treasurer shall transfer the amount certified from the General Fund to the Educational Excellence Fund.

Sec. 6. There is hereby appropriated the balance of the Educational Excellence Fund existing on August 1, 1993, for FY1993-94 to the State Department of Education, for Program 25.

Sec. 7. This act shall become operative on August 1, 1992.

Sec. 8. That original section 77-2701,

Revised Statutes Supplement, 1991, as amended by section 3, Legislative Bill 871, Ninety-second Legislature, Second Session, 1992, and section 180, Legislative Bill 1063, Ninety-second Legislature, Second Session, 1992, and sections 4 and 44, Legislative Bill 871, Ninety-second Legislature, Second Session, 1992, are repealed.".

2. On page 1, strike beginning with "dogs" in line 1 through line 5 and insert "revenue and taxation; to amend section 77-2701, Revised Statutes Supplement, 1991, as amended by section 3, Legislative Bill 871, Ninety-second Legislature, Second Session, 1992, and section 180, Legislative Bill 1063, Ninety-second Legislature, Second Session, 1992, and sections 4 and 44, Legislative Bill 871, Ninety-second Legislature, Second Session, 1992; to eliminate sales and use tax exemptions for soft drinks; to define a term; to provide for the transfer of funds; to appropriate funds; to provide an operative date; and to repeal the original sections.".

Mr. Schmit asked unanimous consent to print the following amendment to LB 1114 in the Journal. No objections. So ordered.

AM4081

(Amendments to Standing Committee amendments, AM2979)

1. On page 16, line 6, after the semicolon insert "and"; in line 10 strike the semicolon and "and" and insert an underscored period; and strike lines 11 through 24.

Mr. Schmit asked unanimous consent to print the following amendment to LB 1114 in the Journal. No objections. So ordered.

AM4079

(Amendments to Standing Committee amendments, AM2979)

1. On page 21, line 23, strike "three" and insert "two".

2. On page 22, line 4, strike "Weekly" and insert "Monthly".

Mr. Schmit asked unanimous consent to print the following amendment to LB 1114 in the Journal. No objections. So ordered.

AM4080

(Amendments to Standing Committee amendments, AM2979)

1. On page 12, line 18, strike "or"; and in line 22 after "pesticides" insert "; or

(f) A design which is certified by a registered professional engineer registered in Nebraska as providing protection to waters of the state equal to or greater than that provided by the Agricultural Chemical Storage and Containment Act.".

Mr. Schmit asked unanimous consent to print the following amendment to LB 1114 in the Journal. No objections. So ordered.

AM4082

(Amendments to Standing Committee amendments, AM2979)

1. On page 21, line 16, after "labeled" insert ", in letters at least two inches high,".

RESOLUTIONS

LEGISLATIVE RESOLUTION 427. Introduced by Lynch, 13; Ashford, 6; Rasmussen, 20.

WHEREAS, Dr. Frank Menolascino was a professional in the field of mental retardation and mental illness. He was, without exception, respectful of and loving to the many, many special people that he served. He was a leading advocate of educational rights and community-based services that would allow mentally handicapped persons to stay in their own homes or hometowns; and

WHEREAS, Dr. Menolascino was a professor and chair of the combined departments of psychiatry at the University of Nebraska Medical Center in Omaha and at Creighton University; and

WHEREAS, Dr. Menolascino's work included contributions to both professional and advocacy organizations, service as a consultant to the President's Committee on Mental Retardation, a member of the National Institute of Mental Health since 1978, and prolific research and writing. At the time of his death, Dr. Menolascino was serving on ten professional editorial boards; and

WHEREAS, Dr. Menolascino was the recipient of many awards and honors, including the Strecker Award as Outstanding Psychiatrist in America, the Distinguished Lecturer Award from Oxford University, and the Samuel G. Hibbs Award for Research. He was one of only two Americans to receive the Blake March Lecture Award from the Royal College of Psychiatrists in London; and

WHEREAS, in Nebraska, in the nation, and in international circles Dr. Menolascino was recognized as THE leader who brought parents, professionals, and the public together to create one of the finest systems of service to people with mental retardation. Dr. Menolascino was on the first Governor's study committee which wrote the Nebraska Plan, lobbied for the first package of legislative bills, and then guided, pushed, pulled, cajoled, and cheered for the passage of that package; and

WHEREAS, Dr. Menolascino was on the team of people that wrote "Into the Light", a booklet that helped both the public and politicians to understand that all people have potential and would grow best in the least restrictive environment. Many people did not even know that that meant, but Dr. Menolascino taught and mentored us until we all had ownership of this special innovative, creative, and progressive system of services to persons with mental retardation and to their families; and

WHEREAS, Dr. Menolascino said it like it was, and was often dogmatic, feisty, and exuberant. He was a native of south Omaha and Nebraska, and he never let us forget it. He was proud of his roots which also included his wife Donna, six children, and one grandchild; and

WHEREAS, Dr. Menolascino challenged parents to help their children be all they could be and to appreciate them. He demanded that professionals see people with mental retardation as developmentally delayed persons who could learn to live to the fullest and should be allowed to; and

WHEREAS, Dr. Menolascino's career as a psychiatrist and as an advocate for the mentally handicapped is star-studded. He served as chair of the Greater Omaha Association for Retarded Citizens and served on the board of the National Association for Retarded Citizens and then as its president. He had an uncanny insight into people and used it to get his way and to help others get theirs. His sometimes gruff manner barely disguised his soft heart; and

WHEREAS, Dr. Menolascino was respected and loved by many, many parents who considered him the only buffer between them and the sometimes uninformed or uninvolved professionals. Dr. Menolascino cared and responded. Mental health and mental retardation professionals knew that Dr. Menolascino could and would offer advice and information that came from experience and from research; and

WHEREAS, Dr. Frank Menolascino died last week at the age of 61. Dr. Menolascino leaves a legacy that all Nebraskans can be proud of

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature recognizes the outstanding achievements and long, distinguished career of Dr. Frank J. Menolascino.
2. That a copy of this resolution be sent to Mrs. Donna Menolascino.

Laid over.

LEGISLATIVE RESOLUTION 428. Introduced by Wehrbein, 2; Cudaback, 36; Schimek, 27.

WHEREAS, the Midwest Spelling Bee was held in Omaha, Nebraska, on April 4, 1992; and

WHEREAS, the championship was captured by Christopher J. Brown of Lincoln; and

WHEREAS, C. J., an eighth-grader at Irving Junior High, is the Son of Richard and Michaela Brown; and

WHEREAS, C. J. competed against ninety-seven other spellers from Nebraska and Iowa; and

WHEREAS, C. J. correctly spelled "amblyopia" and "caliginous" in the final round to achieve that victory; and

WHEREAS, C. J. was awarded a trip to Washington, D.C., where he will compete in the National Scripps-Howard Spelling Bee on May 24 through May 30.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates C. J. Brown for his victory in the Midwest Spelling Bee.
2. That the Legislature extends its best wishes to C. J. for a successful performance in the national competition in Washington, D.C.

Laid over.

STANDING COMMITTEE REPORT
Business and Labor

The Committee on Business and Labor desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

State Boiler Safety Code Advisory Board
  John J. "Jack" Campbell
  Thomas "Jeff" Hix
  James R. "Dick" Gregg

VOTE: Aye: Senators Coordsen, Bohlke, Chambers, Hefner, and Schimek. Nay: none. Absent: Senators Elmer and Morrissey.

(Signed) George Coordsen, Chairperson

ATTORNEY GENERAL'S OPINION

Opinion No. 92056

DATE: April 6, 1992

SUBJECT: Referendum Powers of the Nebraska State Legislature

REQUESTED BY: Senator Thomas R. Horgan
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
Jan E. Rempe, Assistant Attorney General

You have requested our opinion on the constitutional and statutory authority for a proposed legislative amendment to LB 958. The amendment provides in part:

> (4) . . . {u}pon passage of Legislative Bill 958, . . . section 6 of this act shall be referred to the electors of this state and placed on the ballot by the Secretary of State at the general election in November 1992 pursuant to section 32-707.01.
>
> (5)(a) A vote Repeal shall repeal section 6 of this act and the law in effect prior to passage of Legislative Bill 958 . . . shall be effective.
>
> (b) A vote Retain shall approve section 6 of this act and it shall remain in effect as the law.

Amendment 3569, Ninety-second Legislature, Second Session, 1992.

Specifically, you have asked whether the Nebraska Constitution and state statutes authorize the Legislature to direct that the above referendum be invoked, and whether the results of a referendum election held without constitutional or statutory authorization would be binding. Based on the following analysis, we conclude that neither the Nebraska Constitution nor state statutes permit the Legislature to initiate a referendum. Further, if a referendum election was held despite the lack of constitutional and statutory authority for such an election, the election would be a nullity.

The Legislature has plenary legislative authority, which is limited only by the Nebraska and federal constitutions. State ex rel. Creighton Univ. v. Smith, 217 Neb. 682, 353 N.W.2d 267 (1984); Lenstrom v. Thone, 209 Neb. 783, 311 N.W.2d 884 (1981); Consumers Coal Co. v. City of Lincoln, 109 Neb. 51, 189 N.W. 643 (1922). The state constitution is not a grant of power like the federal constitution, but is instead a limitation of power. Creighton, supra; Lenstrom, supra; Consumers, supra.

> We look . . . in the Constitution of the state to ascertain if any limitations have been imposed upon the complete powers with which the legislative department of the state is vested in its creation. . . . The lawmaking power of the state recognizes no restraints, and is bound by none, except such as are imposed by the Constitution.

Consumers, supra at 64-65, 189 N.W. at 648 (emphasis deleted). Thus, the Legislature may legislate on any subject not inhibited by the state or federal constitutions, and restrictions on this legislative power will not be inferred unless the restriction is clearly implied. Creighton, supra; Lenstrom, supra.

Article III, Section 1, of the Nebraska Constitution provides that "the legislative authority of the state shall be vested in a Legislature . . . . The people reserve for themselves, however, the . . . power at their own option to approve or reject at the polls any act, item, section, or part of any act passed by the Legislature." (Emphasis added). Section 2 of the same Article states that the "first power reserved by the people is the initiative." Article III, Section 3, provides that the "second power reserved is the referendum which may be invoked, by petition, against any act or part of an act of the Legislature." (Emphasis added). The remainder of Section 3 sets out petition requirements and referendum procedure.

Pursuant to Article III, Section 4, of the Nebraska Constitution, the Legislature has enacted Neb. Rev. Stat. §§ 32-702 to 32-713.02 (Reissue 1988) in order to facilitate operation of the above initiative and referendum provisions. These statutes address petition format, circulation, and filing, as well as election procedures.

The constitutional and statutory provisions discussed above clearly limit invocation of the referendum to "the people" by petition. Because referendum power is restricted in this way, the Legislature is without authority to refer laws to the people. It is widely held that the referendum involves the exercise of legislative power reserved to the people by the state constitution. State ex rel. Boyer v. Grady, 201 Neb. 360, 269 N.W.2d 73 (1978); Lawrence v. Beermann, 192 Neb. 507, 222 N.W.2d 809 (1974); State ex rel. Morris v. Marsh, 183 Neb. 521, 162 N.W.2d 262 (1968); Klosterman v. Marsh, 180 Neb. 506, 143 N.W.2d 744 (1966). See also Opinion of the Attorney General, No. 222 (Mar. 17, 1982); Opinion of the Attorney General, No. 215 (Feb. 5, 1980).

Our conclusion that the Legislature does not have constitutional or statutory authority to invoke a referendum is consistent with prior opinions of this office. See Opinion of the Attorney General, No. 247 (Mar. 10, 1980) (referendum may be initiated only by the people); Opinion of the Attorney General, No. 46 (Apr. 26, 1965) (Legislature may not refer laws to the people).

In response to your question involving the validity of results received in a referendum election not constitutionally or statutorily authorized, an election held without affirmative constitutional or statutory authority is a nullity, Thompson v. James, 125 Neb. 350, 250 N.W. 237 (1933), making the ensuing results void.

Sincerely,
DON STENBERG

Attorney General
(Signed) Jan E. Rempe
Assistant Attorney General

cc: Patrick J. O'Donnell
Clerk of the Legislature
13-112-6.92

UNANIMOUS CONSENT - Print in Journal

Mr. Will asked unanimous consent to print the following amendment to LB 1011 in the Journal. No objections. So ordered.

AM4070

(Amendments to Final Reading copy)

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 25-224, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-224. (1) All product liability actions, except one governed by subsection ~~(5)~~ (3) of this section, shall be commenced within four years next after the date on which the death, injury, or damage complained of occurs.

~~(2) Notwithstanding subsection (1) of this section or any other statutory provision to the contrary, any product liability action, except one governed by section 2-725, Uniform Commercial Code or by subsection (5) of this section, shall be commenced within ten years after the date when the product which allegedly caused the personal injury, death, or damage was first sold or leased for use or consumption.~~

~~(3)~~ (2) The limitations contained in ~~subsection (1), (2), or (5) of~~ this section shall not be applicable to indemnity or contribution actions brought by a manufacturer or seller of a product against a person who is or may be liable to such manufacturer or seller for all or any portion of any judgment rendered against a manufacturer or seller.

~~(4) Notwithstanding the provisions of subsections (1) and (2) of this section, any cause of action or claim which any person may have on July 22, 1978, may be brought not later than two years following such date.~~

~~(5)~~ (3) Any action to recover damages based on injury allegedly resulting from exposure to asbestos composed of chrysotile, amosite, crocidolite, tremolite, anthrophyllite, actinolite, or any combination thereof, shall be commenced within four years after the injured person has been informed of discovery of the injury by competent medical authority and that such injury was caused by exposure to asbestos as described herein~~;~~ or within four years after the discovery of facts which would reasonably lead to such discovery, whichever is earlier. No action commenced under this subsection based on the doctrine of strict liability in tort shall be commenced or maintained against any seller of a product which is alleged to contain or possess a defective condition unreasonably dangerous to the buyer, user, or consumer unless such seller is also the manufacturer of such product or the manufacturer of the part thereof claimed to be defective. Nothing in this subsection shall be construed to permit an action to be brought based on an injury described in this subsection discovered more than two years prior to August 30, 1981.

Sec. 2. That original section 25-224, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

2. On page 1, strike beginning with "dogs" in line 1 through the semicolon in line 4 and insert "civil procedure; to amend section 25-224, Reissue Revised Statutes of Nebraska, 1943; to eliminate a provision relating to the commencement and limitation of a product liability action;".

GENERAL FILE

LEGISLATIVE BILL 431. Title read. Considered.

Standing Committee amendment, AM0402, found in the Journal on page 1315, First Session, 1991, was considered.

Mrs. Nelson and Ms. Schimek asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Bohlke and Mr. Wesely renewed their pending amendment, AM3675, found in the Journal on page 1777, to the Standing Committee amendment.

Messrs. Horgan and Hartnett asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Withem asked unanimous consent to be excused. No objections. So ordered.

Mr. Lynch moved the previous question. The question is, "Shall the debate now close?" The motion lost with 10 ayes, 5 nays, and 34 not voting.

Messrs. Schmit and Landis asked unanimous consent to be excused until they return. No objections. So ordered.

MR. CONWAY PRESIDING

Mr. Lynch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Bohlke-Wesely amendment was adopted with 20 ayes, 0 nays, 11 present and not voting, and 18 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 9 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 431A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 429. Introduced by Hillman, 48.

WHEREAS, the Scottsbluff/Gering communities are applying as a possible site for locating a Rocky Mountain Rookie Baseball League Team; and

WHEREAS, the Arizona Class A Instructional League is being moved to Colorado, Wyoming, and Nebraska; and

WHEREAS, the Major league teams involved are: the California Angels, the Colorado Rockies, the Milwaukee Brewers, the Oakland A's, the St. Louis Cardinals, the San Diego Padres, the San Francisco Giants, and the Seattle Mariners; and

WHEREAS, having a league team in the community would have an estimated economic impact of one and one-half million dollars on that community; and

WHEREAS, the community currently has the Cleveland Baseball Field in place which is in need of some upgrading; and

WHEREAS, the community will use Legislative Bill 840 money to upgrade the Cleveland Baseball Field; and

WHEREAS, the community has collected the two-hundred-fifty-thousand dollars local subscription base.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Scottsbluff/Gering communities be recognized for their efforts and encouraged to support the project to hopefully attain success in being one of the site finalists for a league.
2. That a copy of this resolution be sent to the Mayor of the City of Scottsbluff and the Mayor of the City of Gering to accompany their application.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Hall asked unanimous consent to print the following amendment to LB 1240A in the Journal. No objections. So ordered.

AM4090

(Amendments to AM4073)

1. Insert the following new section:

"Sec. 4. That section 77-2734.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2734.02. (1) A tax is hereby imposed for each taxable year on the taxable income of every corporate taxpayer that is doing business in this state at a rate equal to one hundred fifty and eight-tenths percent of the primary rate imposed on individuals under section 77-2701.01 on the first fifty thousand dollars of taxable income, ~~and~~ at the rate of two hundred eleven percent of such rate on all taxable income in excess of fifty thousand dollars but less than two hundred thousand dollars, and at the rate of two hundred seventeen percent of such rate on all taxable income of two hundred thousand dollars or more. The resultant rates shall be rounded to the nearest one hundredth of one percent.

(a) For corporate taxpayers with a fiscal year that does not coincide with the calendar year, the individual rate used for this subsection shall be the rate in effect on the first day, or the day deemed to be the first day, of the taxable year.

(b) For fiscal years beginning before January 1, 1968, the rate initially set shall apply for the period from January 1, 1968, to the end of that fiscal year.

(2) For a corporate taxpayer that is subject to tax in another state, its taxable income shall be the portion of the taxpayer's federal taxable income, as adjusted, that is determined to be connected with the taxpayer's operations in this state pursuant to sections 77-2734.05 to 77-2734.15.

(3) Each corporate taxpayer shall file only one income tax return for each taxable year.".

2. On page 12, after line 1, insert the following new subsection:

"(3)(a) Every resident individual shall be allowed to subtract from federal adjusted gross income the actual amount paid to others for tuition, textbooks, and transportation during the tax year not in excess of one thousand one hundred dollars for each dependent in grades kindergarten through six and one thousand seven hundred dollars for each dependent in grades seven through twelve attending a public or nonpublic elementary or secondary school. No deduction shall be allowed under this subsection unless the school is located in the state or within twenty-five miles of the student's residence, is not operated for profit, does not discriminate on the basis of race, color, or national origin, does not permit the infliction of corporal punishment, and fulfills the school term requirements prescribed in section 79-201 or a comparable state requirement.

(b) For purposes of this subsection:

(i) Dependent shall mean a person for whom the individual claims a dependency exemption on his or her federal income tax return;

(ii) Textbooks shall mean and include books, instructional materials, and equipment used in teaching the elementary or secondary instructional program prescribed by the rules and regulations of the State

Board of Education. Textbooks shall not include books, instructional materials, or equipment used in the teaching of religious tenets, doctrines, or worship or for extracurricular activities;

(iii) Transportation shall not include transportation to and from extracurricular activities; and

(iv) Tuition shall mean any amount charged for the opportunity to be enrolled in an instructional program by a public or nonpublic elementary or secondary school approved or accredited under rules and regulations established by the State Board of Education pursuant to subdivision (5)(c) of section 79-328."; and in lines 6 and 7 strike "and 77-2715.07" and insert ", 77-2715.07, and 77-2734.02".

3. Renumber the remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 1192. Title read. Considered.

Standing Committee amendment, AM3014, found in the Journal on page 989, was considered.

Mrs. Pirsch asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Lindsay renewed his pending amendment, AM3639, found in the Journal on page 1573, to the Standing Committee amendment.

The Lindsay amendment was adopted with 19 ayes, 0 nays, 17 present and not voting, and 13 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

SPEAKER BAACK PRESIDING

Advanced to E & R for review with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

Mr. Wehrbein asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 1192A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 672. Title read. Considered.

Standing Committee amendment, AM2558, found in the Journal on page 801, was considered.

Mrs. Nelson renewed her pending amendment, AM3486, found in the Journal on page 1438, to the Standing Committee amendment.

Mr. Hartnett asked unanimous consent to be excused. No objections. So ordered.

The Nelson amendment was adopted with 13 ayes, 0 nays, 25 present and not voting, and 11 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Mr. Horgan asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 1092. Title read. Considered.

Standing Committee amendment, AM2990, printed separately from the Journal and referred to on page 947, was considered.

Mr. Conway withdrew his pending amendment, AM3222, found in the Journal on page 1114.

Mrs. Robak offered the following amendment to the Standing Committee amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM4046.)

MR. CONWAY PRESIDING

Messrs. Hefner, R. Johnson, and Peterson asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Crosby asked unanimous consent to be excused. No objections. So ordered.

The Robak amendment was adopted with 19 ayes, 0 nays, 14 present and not voting, and 16 excused and not voting.

Mr. Elmer asked unanimous consent to be excused. No objections. So ordered.

Mr. Lindsay offered the following amendment to the Standing Committee amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM3916.)

Mr. Lindsay withdrew his pending amendment.

Mr. Hall offered the following amendment to the Standing Committee amendment:
FA369
Amend the Committee amendments, AM2990, as follows:
"on page 2, line 16, strike the new language & reinstate the stricken language.

Messrs. Robinson and Abboud asked unanimous consent to be excused. No objections. So ordered.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Hall asked unanimous consent to print the following amendment to LB 1240A in the Journal. No objections. So ordered.

(Amendment on file in the Clerk's Office - Room 2018 - AM4091.)

Mr. Hall asked unanimous consent to print the following amendment to LB 459 in the Journal. No objections. So ordered.

(Amendment on file in the Clerk's Office - Room 2018 - AM4097.)

Mr. Warner asked unanimous consent to print the following amendment to LB 962 in the Journal. No objections. So ordered.

(Amendment on file in the Clerk's Office - Room 2018 - AM3763.)

Mr. Kristensen asked unanimous consent to print the following amendment to LB 1092 in the Journal. No objections. So ordered.

(Amendment on file in the Clerk's Office - Room 2018 - AM3714.)

VISITORS

Visitors to the Chamber were Mr. and Mrs. George Kellogg, Mr. and Mrs. Carol Peterson, and Mrs. Edwin Imm; Michael Malony from Lexington; 22 seniors from Loomis; and 17 seniors and teacher from Walthill.

ADJOURNMENT

At 8:20 p.m., on a motion by Speaker Baack, the Legislature adjourned until 9:00 a.m., Tuesday, April 7, 1992.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-SIXTH DAY - APRIL 7, 1992

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

NINETY-SECOND LEGISLATURE
SECOND SESSION

FIFTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 7, 1992

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Moul presiding.

PRAYER

The prayer was offered by Pastor Dr. Norman Leach, Executive Director, Lincoln Interfaith Council.

ROLL CALL

The roll was called and all members were present except Mrs. Labedz who was excused; and Messrs. Abboud, Chizek, Conway, Haberman, Hall, Horgan, R. Johnson, Lindsay, Moore, Schmit, Will, Withem, Mmes. Pirsch, and Rasmussen who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-fifth day was approved.

RESOLUTION

LEGISLATIVE RESOLUTION 430. Introduced by Wesely, 26; Rasmussen, 20.

WHEREAS, the young children of our state are one of our most precious resources; and

WHEREAS, all children are special and they need and deserve quality care and education to promote their well-being; and

WHEREAS, the increased participation of women in the work force has heightened the demand for quality and affordable child care; and

WHEREAS, child care providers and teachers in homes, in centers, and in preschools make an important contribution to the lives of our children and the future of our state and nation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature commends Nebraska child care providers and teachers for their continued commitment and dedication to the care and education of our young children.

2. That the Legislature recognizes the importance of quality and affordable child care for the citizens of Nebraska.

3. That the Legislature hereby declares the week of April 6 through 10, 1992, as the Week of the Young Child in Nebraska.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Beutler asked unanimous consent to print the following amendment to LB 339 in the Journal. No objections. So ordered.

AM4072

1. Insert the following new sections:

"Sec. 2. That section 37-1102, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-1102. ~~As used in~~ For purposes of sections 37-1101 to 37-1114, unless the context otherwise requires:

(1) Commission shall mean the Game and Parks Commission;

(2) Motor vehicle shall mean any self-propelled vehicle of a type required to be registered and licensed for operation on the highways of the state;

(3) Permit areas shall mean those areas, or portions of areas, of the Nebraska state park system which are defined in subdivisions (2), (3), (4), and ~~(5)~~ (6) of section 81-815.22~~,~~ and which are designated as provided in sections 81-815.23 and 81-815.24, for which entry permits shall be required by the commission as provided in sections 37-1101 to 37-1114; and

(4) Permit shall mean motor vehicle entry permit.

Sec. 3. (1) There is hereby imposed a trail development fee of two dollars on each sale in this state of a bicycle when the gross receipts from such sale are fifty dollars or more. The fee shall be in addition to the sales and use tax imposed by the Nebraska Revenue Act of 1967 and shall be interpreted, collected, remitted, and enforced by the Tax Commissioner in the same manner as the sales and use tax.

(2) The fees collected by the Tax Commissioner pursuant to this section shall be remitted to the State Treasurer for credit to the Trail Development Assistance Fund.

(3) For purposes of this section:

(a) Bicycle shall mean a device propelled solely by human power upon which a person may ride which has two tandem wheels, either of which is more than fourteen inches in diameter; and

(b) The definitions found in section 77-2702 shall apply.

Sec. 4. That section 37-1503, Revised Statutes Supplement, 1991, be amended to read as follows:

37-1503. The Trail Development Assistance Fund is hereby created. The fund shall consist of the proceeds of the fee imposed by section 3 of this act, any direct appropriation by the Legislature, and any funds received as gifts, bequests, or other contributions to such fund from public or private entities. The fund shall be administered by the Game and Parks Commission and shall be used to assist in the purchase, development, and maintenance of recreational trails within the state. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.

Sec. 5. That section 81-815.22, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-815.22. ~~As used in~~ For purposes of sections 81-815.21 to 81-815.35, unless the context otherwise requires:

(1) Commission shall mean the Game and Parks Commission;

(2) State parks shall mean parks of substantial area with the primary value of significant

statewide scenic, scientific, or historic interest, having a complete development potential and, ~~where~~ when possible, a representative portion which can be retained in a natural or relatively undisturbed state;

(3) State recreation areas shall mean areas with a primary value for day use, but with secondary overnight-use facilities or potential, which have reasonable expansion capability~~;~~ and are located in accordance with sound park management principles;

(4) State historical parks shall mean only sites which, in the opinion of competent, recognized authorities, are of notable historical significance to the State of Nebraska~~;~~ and of a size adequate to develop the full interpretative potential of the site~~;~~ and which may be equipped with limited day-use facilities when such facilities do not detract from nor interfere with the primary purposes and values thereof; ~~and~~

(5) State recreation trails shall mean linear corridors of statewide or regional significance established primarily near urban areas, acquired principally for nonmotorized recreational use, and which may be equipped with day-use amenities and support facilities appropriate to their intended purpose; and

(6) State wildlife management areas shall ~~be~~ mean those areas which are primarily of public hunting, fishing, or other wildlife values~~;~~ and which cannot logically be classified in one of the categories listed in subdivision (2), (3), or (4) of this section~~;~~ when so designated by the commission to be maintained from fish and game funds.

Sec. 6. That section 81-815.31, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-815.31. (1) The commission is hereby authorized to enter into cooperative agreements with the Nebraska State Historical Society and other appropriate public agencies for the reconnaissance, development, and administration of state historical parks.

(2) The commission may enter into cooperative agreements with appropriate agencies or subdivisions~~;~~ or departments~~;~~ of government for the reconnaissance, development, and administration of state ~~wayside areas~~ recreation trails.

Sec. 7. That original sections 37-1102, 81-815.22, and 81-815.31, Reissue Revised Statutes of

Nebraska, 1943, and section 37-1503, Revised Statutes Supplement, 1991, are repealed.".

2. Insert underscoring in original section 1 and all amendments thereto.

UNANIMOUS CONSENT - Member Excused

Mr. Wickersham asked unanimous consent to be excused until he returns. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 922.

A BILL FOR AN ACT relating to schools and school districts; to amend section 79-4,140.16, Revised Statutes Supplement, 1990; to define a term; to provide for the development and implementation of multicultural education programs as prescribed; to provide powers and duties for school districts and the State Department of Education; to provide for rules and regulations; to harmonize provisions; to eliminate provisions requiring duties to be performed by a certain date; and to repeal the original section.

Mr. Chambers requested a roll call vote.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 21:

Abboud
Ashford
Baack
Bernard-Stevens
Beutler
Bohlke
Chambers
Conway
Crosby
Hartnett
Hefner
Hillman
Landis
Lynch
Morrissey
Nelson
Rogers
Schimek
Warner
Wehrbein
Wesely

Voting in the negative, 7:

Beyer
Byars
Coordsen
Elmer
Johnson, L.
Lamb
Robak

Present and not voting, 7:

Cudaback
Dierks
Kristensen
Peterson
Robinson
Schellpeper
Schrock

Excused and not voting, 14:

Chizek
Haberman
Hall
Horgan
Johnson, R.
Labedz
Lindsay
Moore
Pirsch
Rasmussen
Schmit
Wickersham
Will
Withem

Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

LEGISLATIVE BILL 1178.

A BILL FOR AN ACT relating to anatomical gifts; to amend sections 71-4802, 71-4804, and 71-4808, Reissue Revised Statutes of Nebraska, 1943, sections 60-493, 60-494, 60-4,144, 60-4,151, and 60-4,181, Revised Statutes Supplement, 1990, and section 60-484, Revised Statutes Supplement, 1991; to change the manner anatomical gift information is included on motor vehicle operator's licenses; to provide for anatomical gift information on commercial driver's licenses and state identification cards; to provide for the distribution of anatomical gift information and brochures; to change provisions relating to anatomical gifts made pursuant to the Uniform Anatomical Gift Act; to change and eliminate provisions relating to donor cards; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Abboud
Ashford
Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Byars
Chambers
Conway
Coordsen
Crosby
Cudaback
Dierks
Elmer
Hall
Hartnett
Hefner
Hillman
Johnson, L.
Johnson, R.
Kristensen
Lamb
Landis
Lynch
Morrissey
Nelson
Peterson
Pirsch
Robak
Robinson
Rogers
Schellpeper
Schimek
Schrock
Warner
Wehrbein
Wesely
Will

Voting in the negative, 0.

Excused and not voting, 10:

Chizek
Haberman
Horgan
Labedz
Lindsay
Moore
Rasmussen
Schmit
Wickersham
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1178A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1178, Ninety-second Legislature, Second Session, 1992.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Abboud
Ashford
Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Byars
Chambers
Conway
Coordsen
Crosby
Cudaback
Dierks
Elmer
Hall
Hartnett
Hefner
Hillman
Johnson, L.
Johnson, R.
Kristensen
Lamb
Landis
Lynch
Morrissey
Nelson
Peterson
Pirsch
Robak
Robinson
Rogers
Schellpeper
Schimek
Schrock
Warner
Wehrbein
Wesely
Will
Withem

Voting in the negative, 0.

Excused and not voting, 9:

Chizek
Haberman
Horgan
Labedz
Lindsay
Moore
Rasmussen
Schmit
Wickersham

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 872. With Emergency.

A BILL FOR AN ACT relating to motor vehicle operation; to amend section 39-669.15, Reissue Revised Statutes of Nebraska, 1943, and sections 39-669.08, 39-669.11, 39-6,122, and 60-4,164, Revised Statutes Supplement, 1990; to authorize law enforcement officers to require persons involved in accidents to submit to chemical tests as prescribed; to authorize use of test results as evidence; to require and permit disclosure of test results; to harmonize provisions; to provide severability; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 38:

Abboud
Ashford
Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Byars
Conway
Coordsen
Crosby
Cudaback
Dierks
Elmer
Hall
Hartnett
Hefner
Johnson, L.
Johnson, R.
Kristensen
Lamb
Landis
Lynch
Morrissey
Nelson
Peterson
Pirsch
Robak
Robinson
Rogers
Schellpeper
Schimek
Schmit
Warner
Wehrbein
Wesely
Will
Withem

Voting in the negative, 0.

Present and not voting, 4:

Chambers
Hillman
Rasmussen
Schrock

Excused and not voting, 7:

Chizek
Haberman
Horgan
Labedz
Lindsay
Moore
Wickersham

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Reconsider Action on LB 922

Mr. Dierks moved to reconsider LB 922 on Final Reading.

Mrs. Nelson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 3 nays, and 21 not voting.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

The Dierks motion to reconsider prevailed with 39 ayes, 0 nays, 4 present and not voting, and 6 excused and not voting.

BILL ON FINAL READING

The following bill was put upon final passage:

LEGISLATIVE BILL 922.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 29:

Abboud
Ashford
Baack
Bernard-Stevens
Beutler
Chambers
Conway
Crosby
Dierks
Hall
Hartnett
Hefner
Hillman
Horgan
Landis
Lindsay
Lynch
Morrissey
Nelson
Rasmussen
Rogers
Schellpeper
Schimek
Schmit
Warner
Wehrbein
Wesely
Will
Withem

Voting in the negative, 10:

Beyer
Byars
Coordsen
Cudaback
Elmer
Johnson, L.
Kristensen
Lamb
Pirsch
Robak

Present and not voting, 4:

Bohlke
Peterson
Robinson
Schrock

Excused and not voting, 6:

Chizek
Haberman
Johnson, R.
Labedz
Moore
Wickersham

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

UNANIMOUS CONSENT - Member Excused

Mrs. Bohlke asked unanimous consent to be excused until she returns. No objections. So ordered.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 922A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 922, Ninety-second Legislature, Second Session, 1992.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Abboud
Ashford
Baack
Bernard-Stevens
Beutler
Chambers
Conway
Coordsen
Crosby
Cudaback
Dierks
Elmer
Hall
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Kristensen
Landis
Lindsay
Lynch
Morrissey
Nelson
Rasmussen
Robak
Rogers
Schellpeper
Schimek
Schmit
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 1:

Pirsch

Present and not voting, 6:

Beyer
Byars
Lamb
Peterson
Robinson
Schrock

Excused and not voting, 6:

Bohlke
Chizek
Haberman
Johnson, R.
Labedz
Moore

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 922, 922A, 1178, 1178A, and 872.

GENERAL FILE

LEGISLATIVE BILL 1019. Title read. Considered.

Standing Committee amendment, AM2816, printed separately from the Journal and referred to on page 783, was considered.

Mr. Wesely renewed his pending amendment, AM3531, found in the Journal on page 1483, to the Standing Committee amendment.

Mr. Wehrbein asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER BAACK PRESIDING

Mr. Hall requested a division of the question on the Wesely amendment.

The Chair sustained the division of the question.

The first Wesely amendment, to the Standing Committee amendment, is as follows:

FA370

(Amendments to Standing Committee amendment, AM2816)

1. Insert the following new sections:

"Sec. 37. That section 71-161.09, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-161.09. The board of examiners for any profession or occupation licensed or certified by the ~~Department of Health~~ department pursuant to Chapter 71, with the approval of the ~~Department of Health~~ department, may adopt and promulgate, by rules and regulations, standards of relicensure and recertification for each Nebraska-licensed and Nebraska-certified practitioner of such profession or occupation in active practice within the State of Nebraska. Such regulations ~~, which~~ may include the ~~requirement to attend a~~ prescribed number of hours~~,~~ which are to be attained biennially~~, of such~~ for receiving information presented by or in the form of ~~approved~~ board-approved scientific schools, clinics, forums, lectures, courses of study, home study courses, or educational seminars relating to the practice of such profession or occupation~~, and shall require, as may be set forth by such rules and regulations for the profession or occupation concerned and approved by the department, such standards as a prerequisite for the licensee's or certificate holder's next subsequent license or certificate renewal~~ and held within or outside the state. The board ~~of examiners~~ and the ~~Department of Health~~ department shall consult with the appropriate professional academies, professional societies, and professional associations in the development of such standards. The purpose of any such action by such board shall be to the end that the utilization and application of new techniques, scientific and clinical advances, and the achievements of research will assure expansive and comprehensive service to the public. The number of hours that may be required shall be prescribed by the board in such rules and regulations for any calendar year. ~~Attendance shall be at a scientific school, clinic, forum, lecture, course of study, or educational seminar approved by the board which may be held either within or outside the state.~~ In no instance may the board require a greater number of hours of approved scientific schools, clinics, forums, lectures, courses of study, or educational seminars than are available at approved scientific schools, clinics, forums, lectures, courses of study, or educational seminars held within the State of Nebraska.

Sec. 43. That section 71-605.02, Revised Statutes Supplement, 1991, be amended to read as follows:

71-605.02. The Department of Health shall preserve permanently and index all such certificates and shall charge and collect in advance the fee prescribed in section 71-612, to be paid by the applicant for each certified copy supplied to the applicant or ~~each~~ for any search made at the applicant's request for ~~any such record~~ access to or a certified copy of any record, whether or not the record is found on file with the department. All fees so collected shall be remitted to the State Treasurer for credit to the Department of Health Cash Fund as provided in section 71-612.

Sec. 46. To protect the integrity of vital records and to prevent the fraudulent use of birth certificates of deceased persons, the department is authorized to match birth and death certificates and to post the facts of death to the appropriate birth certificate. To assist in the matching process, the department is authorized to enter into agreements with offices of vital records outside the state to exchange the birth or death records or reports of each state's citizens. Copies of birth certificates issued of deceased persons shall be marked deceased.

The department may also maintain applications for viewing vital records and match the same against requests for certified copies or adopt such other security measures as may serve to identify requests to view vital records made for unlawful or fraudulent purposes.

Sec. 47. Information required in certificates or reports authorized by sections 71-605.02 and 71-612 and section 46 of this act may be filed and registered by electronic or other means if authorized by the department and as prescribed by department regulation.

Sec. 48. That section 71-614, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-614. (1) On or before the fifth day of each month, the county clerk of each county shall return to the Department of Health upon suitable blank forms, to be provided by the department, a statement of all marriages recorded by him or her during the preceding calendar month. If no marriages were performed in the county during the preceding month, a card furnished by the department indicating such information shall be submitted on or before the fifth day of each month to the department. Upon neglect or refusal to make such returns, such county clerk shall, for each such neglect or refusal, forfeit and pay the sum of twenty-five dollars for the use of the proper county, to be collected as debts of like amount are now collectible.

(2) As soon as possible after completion of an amendment to a marriage license by the Bureau of Vital Statistics of the Department of Health, the department shall forward a noncertified copy of the marriage license reflecting the amendment to the county clerk of the county in which the license was filed. Upon receipt of the amended copy, the county clerk shall make the necessary changes on the marriage license on file in his

or her office to reflect the amendment.".

2. On page 1, line 13, after the period insert "The department shall supply a copy of a public vital record for viewing purposes at its office upon an application signed by the applicant and upon proof of the identity of the applicant. The application may include the name, address, and telephone number of the applicant, purpose for viewing each record, and such other information as may be prescribed by the department by rules and regulations to protect the integrity of vital records and prevent their fraudulent use."; in line 14 strike "and (6)", show as stricken, and insert ", (6), and (7)"; and in line 18 after "for" insert "access to or a certified copy of" and strike "such" and show as stricken.

3. On page 3, after line 17, insert the following new subsection:

"(6) The department may permit use of data from vital records for statistical or research purposes under section 71-602 or disclose data from certificates or records to federal, state, county, or municipal agencies of government for use in administration of their official duties and charge and collect a fee that will recover the department's cost of production of the data. The department may provide access to public vital records for viewing purposes by electronic means, if available, under such security provisions as shall assure the integrity and security of the records and data base and shall charge and collect a fee that shall recover the department's costs."; in line 18 strike "(6)", show as stricken, and insert "(7)"; and in line 22 after "for" insert "access to or a certified copy of".

4. On page 17, line 23 strike beginning with "7" through the second quotation mark and insert "8, before '71-628' insert '71-614,' ".

5. On page 18, line 4, before "71-612" insert "71-1,103, 71-605.02,".

6. Renumber the remaining sections and correct internal references accordingly.

The first Wesely amendment was adopted with 21 ayes, 0 nays, 21 present and not voting, and 7 excused and not voting.

The second Wesely amendment, to the Standing Committee amendment, is as follows:

FA371

(Amendments to Standing Committee amendment, AM2816)

1. Insert the following new sections:

Sec. 39. That section 71-1,103, Revised Statutes Supplement, 1991, be amended to read as follows:

71-1,103. The following classes of persons shall not be construed to be engaged in the unauthorized practice of medicine:

(1) Persons rendering gratuitous services in cases of emergency;

(2) Persons administering ordinary household remedies;

(3) The members of any church practicing its religious tenets, except that they shall not prescribe or administer drugs or medicines, perform surgical or physical operations, nor assume the title of or hold themselves out to be physicians or surgeons, and such members shall not be exempt from the quarantine laws of this state;

(4) Students of medicine and surgery who are studying in an accredited school or college of medicine and who gratuitously prescribe for and treat disease under the supervision of a licensed physician;

(5) Physicians and surgeons of the United States Armed Forces or Public Health Service or United States Department of Veterans Affairs when acting in the line of such duty in this state;

(6) Physicians and surgeons who are graduates of an accredited school or college of medicine with the degree of Doctor of Medicine and licensed in another state when incidentally called into this state for consultation with a physician and surgeon licensed in this state;

(7) Physicians and surgeons who are graduates of an accredited school or college of medicine with the degree of Doctor of Medicine and who reside in a state bordering this state and who are duly licensed under the laws thereof to practice medicine and surgery but who do not open an office or maintain or appoint a place to meet patients or to receive calls within this state;

(8) Persons providing or instructing as to use of braces, prosthetic appliances, crutches, contact

lenses, and other lenses and devices prescribed by a doctor of medicine licensed to practice while working under the direction of such physician;

(9) Dentists practicing their profession when licensed and practicing in accordance with sections 71-183 to 71-191;

(10) Optometrists practicing their profession when licensed and practicing under and in accordance with sections 71-1,133 to 71-1,136;

(11) Osteopathic physicians practicing their profession if licensed and practicing under and in accordance with sections 71-1,137 and 71-1,141;

(12) Chiropractors practicing their profession if licensed and practicing under sections 71-177 to 71-182;

(13) Podiatrists practicing their profession when licensed and practicing under and in accordance with sections 71-173 to 71-176;

(14) Any person licensed or certified under the laws of this state to practice a limited field of the healing art, not specifically named in this section, when confining themselves strictly to the field for which they are licensed or certified, not assuming the title of physician, surgeon, or physician and surgeon, and not professing or holding themselves out as qualified to prescribe drugs in any form or to perform operative surgery; ~~and~~

(15) Physicians and surgeons who are duly licensed to practice medicine and surgery in another state who have been recommended by the secretary of the board of examiners in the state of licensure and who have been granted temporary practice rights by the Board of Examiners in Medicine and Surgery, with the approval of the Department of Health, for a period not to exceed three months in any twelve-month period.

Every act or practice falling within the practice of medicine and surgery as defined not specially excepted in this section shall constitute the practice of medicine and surgery and may be performed in this state only by those licensed by law to practice medicine in Nebraska; and

(16) Persons obtaining blood specimens while working under an order of or protocols and procedures approved by a physician, registered nurse, or other independent health care practitioner licensed to

practice by the state if the scope of practice of that practitioner permits the practitioner to obtain blood specimens.

PRESIDENT MOUL PRESIDING

The second Wesely amendment was adopted with 18 ayes, 0 nays, 26 present and not voting, and 5 excused and not voting.

Mr. Wesely renewed his pending amendment, AM3860, found in the Journal on page 1929, to the Standing Committee amendment.

The Wesely amendment was adopted with 22 ayes, 0 nays, 22 present and not voting, and 5 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Wesely withdrew his pending amendment, AM3532, found in the Journal on page 1488.

Mr. Lamb renewed his pending amendment, AM3366, found in the Journal on page 1522.

The Lamb amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 1019A. Title read. Considered.

Mr. Wesely offered the following amendment:
AM4083

1. Insert the following new section:

"Sec. 2. There is hereby appropriated (1) $1,300 from the Department of Health Cash Fund for FY1992-93 and (2) $1,300 from the Department of Health Cash Fund for FY1993-94 to the Department of Health, for Program 177, to aid in carrying out the provisions of Legislative Bill 1019, Ninety-second Legislature, Second Session, 1992.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.".

The Wesely amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1240. Placed on Select File as amended.
E & R amendment to LB 1240:
AM5288

1. In FA353:

a. Strike section 15;

b. On page 3, line 4, strike "13" and insert "12"; and in line 18 strike "class" and insert "classes";

c. On page 4, line 5, strike "class" and insert "classes"; and

d. On page 5, line 8, strike "13" and insert "11".

2. In the Standing Committee amendments, AM2885:

a. On page 1, line 16; and page 2, line 23, strike "these" and insert "the";

b. On page 4, line 6, strike "it" and insert "the area"; and in lines 12 and 16 strike the comma;

c. On page 8, line 14, strike "to" and insert "for";

d. On page 9, line 18, after "hearing" insert "held pursuant to section 7 of this act"; and

e. On page 10, line 11, strike "term" and insert "terms".

3. On page 1, strike beginning with "amend" in line 1 through line 4 and insert "state intent; to define terms; to provide for the designation of enterprise zones; to provide procedures as prescribed; to provide powers and duties for the Legislature, the Department of Economic Development, and counties, cities, and villages as prescribed; to provide for a hearing; to authorize the establishment of enterprise associations as prescribed and to provide duties; and to provide rules and regulations.".

4. Remove underscoring from all sections.

LEGISLATIVE BILL 1240A. Placed on Select File.

LEGISLATIVE BILL 1059. Placed on Select File as amended.
E & R amendment to LB 1059:
AM5289

1. On page 1, lines 1 and 5, strike "section" and insert "sections"; in line 2 after "24-301.02" insert "and 24-810"; and in line 4 after the semicolon insert "to require the Supreme Court to determine and announce the location of the primary office for an appointed judge;".

(Signed) Eric Will, Chairperson

EXPLANATION OF VOTE

Had I been present, I would have voted for passage of LB 1178 and LB 872e.

(Signed) Wm. R. Wickersham

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 7, 1992, at 10:25 a.m., were the following bills: 922, 922A, 1178, 1178A, and 872.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

RESOLUTION

LEGISLATIVE RESOLUTION 431. Introduced by Landis, 46.

WHEREAS, Dr. Robert S. Eicher has contributed to the betterment of technical and community education for forty years, thirty-six of which have been spent in Nebraska; and

WHEREAS, within the State of Nebraska Dr. Eicher is recognized as both a pioneer in vocational education and as a leader in the state's community college system; and

WHEREAS, Dr. Eicher has served as the first and only Area President, and now Chancellor, of the three-campus community college educational system since its inception in 1973; and

WHEREAS, Southeast Community College, under Dr. Eicher's leadership, enjoys a reputation as a leader in vocational education throughout Nebraska and the region.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That Dr. Robert S. Eicher, upon the occasion of his retirement, be commended for his leadership in the development of Southeast Community College and for the attainment of a standard of excellence in community and technical education throughout Southeast Community College and the Nebraska Community College System.
2. That a copy of this resolution be sent to Dr. Robert S. Eicher.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 1092. Mr. Hall asked unanimous consent to replace his pending amendment, FA369, found in the Journal on page 1994, with a substitute amendment. No objections. So ordered.

Mr. Hall withdrew his pending amendment, FA369, found in the Journal on page 1994.

Mr. Hall offered the following substitute amendment to the Standing Committee amendment:

FA372

Amend AM2990

On pg 2, line 16 strike the new matter and reinsert the stricken matter.

On pg. 17, line 1, strike the new matter and reinsert the stricken matter.

On pg. 21, line 14, strike the new matter and reinstate the stricken matter.

On pg. 23, line 22 reinstate "fifty" and in line 23 strike "one hundred."

Mr. Lynch moved the previous question. The question is, "Shall the debate now close?"

Mr. Lynch moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

The motion to cease debate prevailed with 26 ayes, 5 nays, and 18 not voting.

Mr. Kristensen requested a roll call vote on the Hall amendment.

Voting in the affirmative, 23:

Abboud Ashford Baack

Bernard-Stevens
Beutler
Chambers
Coordsen
Hall
Hartnett
Hefner
Lamb
Landis
Lindsay
Morrissey
Nelson
Rasmussen
Robinson
Rogers
Schimek
Schmit
Wesely
Will
Withem

Voting in the negative, 17:

Beyer
Bohlke
Byars
Conway
Cudaback
Elmer
Hillman
Horgan
Johnson, L.
Kristensen
Moore
Pirsch
Schellpeper
Schrock
Warner
Wehrbein
Wickersham

Present and not voting, 5:

Crosby
Dierks
Lynch
Peterson
Robak

Excused and not voting, 4:

Chizek
Haberman
Johnson, R.
Labedz

The Hall amendment was adopted with 23 ayes, 17 nays, 5 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Messrs. Withem, Moore, and Mrs. Rasmussen asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Ashford withdrew his pending amendments, AM3261, AM3842, and AM3888, found in the Journal on pages 1454, 1759, and 1850.

Mr. Ashford renewed his pending amendment, AM3971, found in the Journal on page 1872, to the Standing Committee amendment.

Mr. Kristensen requested a ruling of the Chair on whether the Ashford amendment is germane to the Standing Committee amendment.

The Chair ruled the Ashford amendment is not germane to the Standing Committee amendment.

Mr. Ashford moved to suspend the rules, Rule 7, Section 3 to permit consideration of AM3971.

Messrs. Schrock and Beyer asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER BAACK PRESIDING

Messrs. Robinson and Cudaback asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Abboud moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Ashford requested a record vote on his motion to suspend the rules.

Voting in the affirmative, 13:

Abboud
Ashford
Beutler
Chambers
Hall
Landis
Lindsay
Morrissey
Nelson
Schimek
Schmit
Wesely
Will

Voting in the negative, 13:

Baack
Bernard-Stevens
Byars
Conway
Crosby
Elmer
Hillman
Lamb
Pirsch
Robak
Warner
Wehrbein
Wickersham

Present and not voting, 11:

Bohlke
Coordsen
Dierks
Hartnett
Hefner
Horgan
Johnson, L.
Kristensen
Lynch
Rogers
Schellpeper

Excused and not voting, 12:

Beyer
Chizek
Cudaback
Haberman
Johnson, R.
Labedz
Moore
Peterson
Rasmussen
Robinson
Schrock
Withem

The Ashford motion to suspend the rules lost with 13 ayes, 13 nays, 11 present and not voting, and 12 excused and not voting.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Lynch asked unanimous consent to print the following amendment to LB 719 in the Journal. No objections. So ordered.

AM3712

1. Insert the following new sections:

"Section 1. That section 79-3819, Revised Statutes Supplement, 1991, as amended by section 205, Legislative Bill 1063, Ninety-second Legislature, Second Session, 1992, be amended to read as follows:

79-3819. A district may exceed its applicable allowable growth rate by a specific dollar amount in the situations described in this section.

(1) A district demonstrates to the satisfaction of the state board that a new program is required by state or federal law or an existing program mandated by state or federal law has been expanded as a result of changes in such state or federal law. For purposes of this subsection, a final order of a court from which no appeal is taken which requires reimbursement by a district of property taxes to a taxpayer shall be considered a new program required by state or federal law but shall not be included as part of the general fund budget of expenditures for purposes of section 79-3814.

(2) The district projects an increase in formula students in the district over the current school year greater than twenty-five students or greater than those listed in the schedule provided in this subsection, whichever is less. Districts shall project increases in formula students on forms prescribed by the department. The state board shall approve, deny, or modify the projected increases.

Average daily membership of district	Projected increase of formula student by percentage
0 - 50	10
50.01 - 250	5
250.01 - 1,000	3
1,000.01 and over	1

The department shall compute the district's estimated allowable budget per pupil using the budgeted general fund expenditures found on the budget statement for the current school year divided by the number of formula students in the current school year and multiplied by the district's applicable allowable growth rate. The resulting allowable budget per pupil shall be multiplied by the projected formula students to arrive at the estimated budget needs for the ensuing year. The department shall allow the district to increase its general fund budget of expenditures for the ensuing school year by the amount necessary to fund the estimated budget needs of the district as computed pursuant to this subsection. On or before July 1 of each year, the department shall make needed revisions in the applicable allowable growth rate of districts which have been allowed additional growth pursuant to this subsection to reflect the actual formula students of such district and shall certify such revisions to each district.

(3) Construction, expansion, or alteration of district buildings will cause an increase in building operation and maintenance costs of at least five percent. The department shall document the projected increase in building operation and maintenance costs and may allow a district to exceed its applicable allowable growth percentage by the amount necessary to fund such increased costs. The department shall compute the actual increased costs for the school year and shall, if needed, modify the district's applicable allowable growth rate for the ensuing school year.

(4) A district demonstrates to the satisfaction of the state board that as a result of an order entered into by the Commission of Industrial Relations pursuant to section 48-818 establishing rates of pay, benefits, and other terms and conditions of employment, the district will exceed its applicable growth rate. The department shall compute the amount by which the increase in employee costs exceeds the district's applicable allowable growth rate and shall allow the district to increase its general fund budget of expenditures by such amount.

(5) A district demonstrates to the satisfaction of the state board that it will exceed its allowable growth rate as a result of a contested, but settled, contract dispute, claim, or breach or uninsured risk or as a result of any final judgment of any court of competent jurisdiction, requiring or obligating the

district to pay such judgment. The department shall compute the amount by which the increased cost of the settlement or judgment exceeds the district's applicable allowable growth rate and shall allow the district to increase its general fund budget of expenditures by such amount.

Sec. 2. That original section 79-3819, Revised Statutes Supplement, 1991, as amended by section 205, Legislative Bill 1063, Ninety-second Legislature, Second Session, 1992, is repealed.".

Mr. Withem asked unanimous consent to print the following amendment to LB 1241 in the Journal. No objections. So ordered.

AM4085

(Amendments to Final Reading copy)

1. On page 1, line 8, strike "to appropriate funds;".
2. On page 3, line 1, strike "(1)"; strike beginning with "and" in line 11 through "section" in line 12; and strike lines 13 through 25.
3. On page 4, strike beginning with "project" in line 1 through the period in line 4; and strike beginning with "No" in line 11 through line 19.

VISITORS

Visitors to the Chamber were 41 eighth grade students and teachers from St. Joseph's School, Lincoln; 20 seniors and teacher from Elmwood-Murdock School; 30 fourth grade students and teacher from Watson Elementary, Hastings; Dean and Karen Benson and George and Kay Hefner from Coleridge; Luism Garcia from Spain, Domingue VanDevyer from France, Scott Sobota, and Nathan Trautwein; and 49 fourth grade students and teachers from Meadows Elementary, Omaha.

RECESS

At 12:04 p.m., on a motion by Mr. Hall, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:32 p.m., Speaker Baack presiding.

ROLL CALL

The roll was called and all members were present except Mrs. Labedz who was excused; and Messrs. Chizek, Dierks, Haberman, Robinson, Schmit, Mmes. Hillman, and Rasmussen who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 1092. Mr. Kristensen offered the following amendment to the Standing Committee amendment:
FA373
Amend the Standing Committee amendment, AM2990, as follows: Strike Sections 4, 5, 6, 7, and 8.

Mr. Hartnett asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Robak moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Kristensen amendment was adopted with 22 ayes, 2 nays, 17 present and not voting, and 8 excused and not voting.

Mr. Kristensen withdrew his pending amendment, AM3714, on file in the Clerk's Office and referred to on page 1995.

Mr. Bernard-Stevens requested a division of the question on the Standing Committee amendment, as amended.

The Chair sustained the division of the question.

The first Standing Committee amendment, as amended, is as follows:
FA374
Section 1 and Sections 9 through 24 of AM2990.

Messrs. Abboud, Ashford, and Peterson asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers offered the following amendment to the first Standing Committee amendment:
FA376
Amend Committee amendments (AM2990)
Page 17, line 12,
Page 22, line 2,
Strike: "sixteen" and insert: "fourteen"

Mr. Rogers asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Wehrbein moved the previous question. The question is, "Shall the debate now close?"

Mr. Wehrbein moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

The motion to cease debate prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Moore requested a roll call vote on the Chambers amendment.

Voting in the affirmative, 23:

Abboud
Baack
Beutler
Bohlke
Byars
Chambers
Coordsen
Crosby
Cudaback
Dierks
Hall
Hefner
Horgan
Lamb
Landis
Lindsay
Morrissey
Peterson
Robak
Rogers
Schellpeper
Will
Withem

Voting in the negative, 17:

Bernard-Stevens
Beyer
Conway
Elmer
Hillman
Johnson, L.
Johnson, R.
Nelson
Pirsch
Rasmussen
Robinson
Schimek
Schrock
Warner
Wehrbein
Wesely
Wickersham

Present and not voting, 2:

Kristensen
Moore

Absent and not voting, 1:

Lynch

Excused and not voting, 6:

Ashford
Chizek
Haberman
Hartnett
Labedz
Schmit

The Chambers amendment was adopted with 23 ayes, 17 nays, 2 present and not voting, 1 absent and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Chambers offered the following amendment to the first Standing Committee amendment:
FA377
Amend Committee amendment (AM2990)
Page 12, line 17,
Page 24, line 11,
Strike "five" and insert "three".

The Chambers amendment was adopted with 18 ayes, 7 nays, 19 present and not voting, and 5 excused and not voting.

The first Standing Committee amendment, as amended, was adopted with 25 ayes, 2 nays, 17 present and not voting, and 5 excused and not voting.

The second Standing Committee amendment, as amended, is as follows:
FA375
Sections 2 and 3 of AM2990.

The second Standing Committee amendment, as amended, was adopted with 25 ayes, 1 nay, 19 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 29 ayes, 1 nay, 16 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 1092A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Conway asked unanimous consent to print the following amendment to LB 1240 in the Journal. No objections. So ordered.

AM4093

1. Insert the following new sections:

"Sec. 13. That section 16-239, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

16-239. A city of the first class may erect, establish, and regulate hospitals, ~~and~~ workhouses, poorhouses, multiunit housing, houses of correction, jails, station houses, and other necessary buildings~~,~~ and provide for the support and government of the same.

Sec. 14. That section 17-961, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

17-961. Cities of the second class and villages are hereby authorized and empowered to (1) accept a gift or devise of or to purchase a ~~municipal hospital, medical clinic, nursing home,~~ facility or a building suitable for conversion into a ~~municipal hospital, medical clinic, or nursing home~~ facility, (2) purchase real estate and erect a building or buildings thereon for ~~hospital, medical clinic, or nursing home purposes~~ the purpose of establishing a facility, and (3) maintain, manage, improve, remodel, equip, and operate ~~such a hospital, medical clinic, or nursing home~~ a facility.

For purposes of sections 17-961 to 17-966, facility shall mean a municipal hospital, a medical clinic, a nursing home, or multiunit housing.

Sec. 15. That section 17-962, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

17-962. Before any ~~such~~ gift or devise specified in section 17-961 may be accepted, the same shall be approved by the city council or village board.

Sec. 16. That section 17-963, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

17-963. (1) The mayor and council of such city or the ~~chairman~~ chairperson and board of trustees of such village, as the case may be, adopting the proposition to accept such gift or devise, make such purchase, erect such building or buildings, or ~~to~~ maintain, manage, improve, remodel, equip, and operate a ~~municipal hospital, medical clinic, or nursing home~~ facility shall have the power to borrow money and pledge the property and credit of the city or village upon its municipal bonds, or otherwise, for such purpose or purposes, except that ~~; PROVIDED,~~ no such bonds shall be issued until after the same have been authorized by a majority vote of the electors voting on the proposition of their issuance at a general municipal election or at a special election called for the submission of such proposition.

(2) The bonds~~, mentioned in subsection (1) of this section,~~ shall be payable in not to exceed twenty years from date and shall bear interest payable annually or semiannually. Notice of the time and place of ~~said~~ the election shall be given by publication three successive weeks prior thereto in some legal newspaper printed in and of general circulation in such city or village or, if no newspaper is printed in such city or village, in a newspaper of general circulation in such city or village.

(3) No election~~, referred to in subsection (1) or (2) of this section,~~ shall be called until a petition therefor, signed by at least ten percent of the legal voters of such city or village, has been presented to the council or to the board of trustees. The number of voters of ~~said~~ the city or village voting for the office of Governor at the last general election prior to the presenting of such petition shall be deemed the number of voters in ~~said~~ the city or village for the purpose of determining the sufficiency of such a petition. If such a bond issue in such a city or village is defeated, the proposition of issuing bonds for such a purpose shall not be resubmitted to the voters therein within a period of six months from and after the date of such election.

Sec. 17. That section 17-964, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

17-964. The mayor and council of cities of the second class and the ~~chairman~~ chairperson and board of trustees of villages, as the case may be, shall have the power to levy a tax each year of not to exceed seven cents on each one hundred dollars upon the actual value of all the taxable property in such cities or villages~~, except intangible property,~~ for the purpose of maintaining and operating ~~such a hospital, medical clinic, or nursing home~~ a facility. They shall, by ordinance, determine and declare how the same shall be managed.

Sec. 18. That section 17-965, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

17-965. Whenever ~~such~~ a city or village ~~shall acquire a municipal hospital, medical clinic, or nursing home,~~ acquires a facility as provided in sections 17-961 to 17-966, there shall be established a ~~hospital, medical clinic, or nursing home~~ facility fund of which the treasurer of such city or village shall be the custodian. All funds received by gift or devise or raised by taxation, as ~~herein~~ provided in such sections, shall be paid into such fund.

Sec. 19. That section 17-966, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

17-966. In each such city or village~~,~~ where a ~~municipal hospital, medical clinic, or nursing home~~ facility is established, the mayor and city council of such city, or the ~~chairman~~ chairperson and board of trustees of such village, as the case may be, may provide by ordinance for the creation of a ~~hospital, medical clinic, or nursing home~~ facility board~~,~~ which shall be composed of not less than three nor more than five members~~,~~ who shall (1) be residents of such city or village, (2) have charge of ~~such municipal hospital, medical clinic, or nursing home~~ the facility, and (3) have the power to establish rules for the management, operation, and use of the same, as provided by such ordinance. ~~Where such hospital, medical clinic, or nursing home~~ When a facility board has been appointed and qualified, all accounts against ~~such hospital, medical clinic, or nursing home~~ the facility fund shall be audited by the ~~hospital, medical clinic, or nursing home~~ facility board, ~~and~~ warrants against such ~~funds~~ fund shall be drawn by the ~~chairman~~ chairperson of such board, and warrants so drawn shall be paid by the city or village treasurer out of such fund.

Sec. 20. That section 23-3501, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-3501. The county board, in any county in this state having thirty-six hundred inhabitants or more or in which the actual valuation of all taxable real and personal property ~~excluding intangible property~~ is twenty-eight million six hundred thousand dollars or more, may issue and sell bonds of such county in such an amount as the county board may deem advisable for the construction or acquisition of an indigent hospital, a home for aged or infirm persons, a county community hospital, a mental health clinic, a clinic or facility to combat mental retardation, a public health center, a medical complex, multiunit housing, or similar facilities required to protect the health and welfare of the people and to purchase suitable equipment for the same. Such bonds shall bear interest at a rate set by the county board.

No bonds shall be issued until the question of the issuance of ~~said~~ the bonds ~~shall have~~ has been submitted to the voters of such county at a general election or a special election called for such purpose. They shall be approved by a majority vote of the electors voting on such proposition at any such election. Such election may be called either by resolution of the county board or upon a petition submitted to the county board calling for the same. Such petition shall be signed by the legal voters of the county equal in number to ten percent of the number of votes cast in the county for the office of Governor at the last general election.

Sec. 21. That section 23-3516, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-3516. (1) Whenever two or more counties ~~shall establish an indigent hospital, or a home for aged or infirm persons, or a community hospital, or a mental health clinic, or a clinic or facility to combat mental retardation, or a public health center, or similar facilities required to protect the health and welfare of the people,~~ establish a facility or facilities as provided by section 23-3515, the county board of each such county shall proceed immediately to appoint three members to serve on the board of trustees of such facility or facilities. When such board is first established, each county board shall appoint one member for a term of two years, one for four years, and one for six years from the date they are appointed. Thereafter, as their terms expire, members shall be appointed for a term of six years.

(2) Whenever the board ~~provided for in subsection (1) of this section~~ would consist of an even number of members, one additional member shall be appointed for a term of six years by the county board of the county having the greatest population as disclosed by the latest United States census.

(3) The board of trustees provided for in this section shall have the same powers, duties, obligations,

and authority provided in sections 23-3502 to 23-3509.

Sec. 22. That section 23-3519, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-3519. The board of trustees of any such facility or facilities organized under section 23-3515 shall, each year, fix the amount of money for the proposed budget statement as may be deemed sufficient and necessary for the operation of such ~~hospital~~ facility during the following calendar year. After the adoption of the budget statement and during the first week of June of each year, the board of trustees of such ~~hospital~~ facility shall certify to the county board of the county in which such ~~hospital~~ facility is located the amount of the tax to be levied which the ~~hospital~~ facility requires under the ~~hospital's~~ facility's adopted budget statement to be received from taxation. Such county board shall apportion such amount among the counties concerned in proportion to the actual valuation of all taxable property and shall certify to each county its share of such amount.

Each county shall levy a tax sufficient to raise the amount so certified to it, and the county treasurer shall transmit the proceeds of such tax to the treasurer of the county in which such ~~hospital~~ facility is located for credit to the ~~hospital~~ facility fund. The tax authorized by this section shall not be included within the levy limitations for general county purposes prescribed in section 23-119 or Article VIII, section 5, of the Constitution of Nebraska.

Sec. 23. That section 23-3553, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-3553. Nothing contained in sections 23-3501 to 23-3519 and 23-3528 to 23-3552 shall be construed to prohibit the board of trustees of any ~~indigent hospital, home for aged or infirm persons, community hospital,~~ facility specified in section 23-3501 or local hospital district~~, mental health clinic, clinic or facility to combat mental retardation, public health center, or similar facilities required to protect the health and welfare of the people~~ from establishing depreciation funds from patient or other revenue income for the purpose of replacing equipment or providing for future improvements or additions or from using such patient or other revenue income for purchasing equipment or for retiring indebtedness incurred for improvements or additions not financed by bonds of the county or direct tax levies. The limitations upon expenditures provided for in sections 23-3504 and 23-3508 shall not apply to expenditures made from patient or other revenue income or for the retiring of indebtedness or payment of other obligations from such patient or revenue income. Any amounts expended by the board of trustees of any facility or facilities or a local hospital district for the purposes provided in this section on or before July 6, 1965, without a bond issue or tax levy shall not be considered to have been expended without statutory authority but shall be considered proper expenditures if made for the purposes stated in this section.

Sec. 24. That original sections 16-239, 17-961 to 17-966, 23-3501, 23-3516, 23-3519, and 23-3553, Reissue Revised Statutes of Nebraska, 1943, and also section 23-3518, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

2. Insert underscoring in sections 1 to 12.

Mr. Beutler asked unanimous consent to print the following amendment to LB 1240 in the Journal. No objections. So ordered.

AM4121

(Amendments to AM2885)

1. On page 3, strike beginning with "An" in line 13 through line 24.

2. On page 4, strike beginning with "of" in line 1 through "(b)" in line 8; in line 10 strike "(c)" and insert "(b)"; and strike beginning with "based" in line 21 through "act" in line 23.

3. On page 6, strike beginning with "if" in line 17 through "time" in line 18; and strike beginning with "subdivision" in line 20 through "of" in line 21.

4. On page 7, strike line 5.

5. On page 12, line 16, after "any" insert "zoning"; and strike beginning with "upon" in line 19 through line 21 and insert "unless there is a finding by the political subdivision or agency that the exemption would not endanger the health and safety of the citizens of the state.".

Mr. Wickersham asked unanimous consent to print the following amendment to LB 1240A in the Journal. No objections. So ordered.

(Amendment on file in the Clerk's Office - Room 2018 - AM3953.)

Mr. Ashford asked unanimous consent to print the following amendment to LB 1282 in the Journal. No objections. So ordered.

AM3994

1. On page 95, line 16, after "pharmacy" insert ". For a one-year period commencing on the operative date of this section, the dispensing of methadone pursuant to a narcotics treatment program for maintenance or detoxification treatment for narcotics addicts as defined by 21 C.F.R. 291.505 by a licensed registered nurse or licensed practical nurse designated by and pursuant to a lawful order countersigned by a medical practitioner shall not be deemed to be the practice of pharmacy".

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 719A.

Enrollment and Review Change to LB 719A

The following changes, required to be reported for publication in the Journal, have been made:

ER7168

1. In the Warner amendment, AM4044, section 167 has been renumbered as section 162.
2. In lieu of the Wickersham-Nelson amendment, FA365, in the Crosby amendment, AM3908, on page 3, line 24, ", except that the department shall not assess any penalty for underpayment of estimated income tax on individual taxpayers, estates, or trusts based upon the surcharge imposed by this section" has been inserted after "payments".
3. In the Warner amendment, AM4010, section 172 has been renumbered as section 176.
4. In the Warner-Withem amendment, AM3834:

a. Sections 212 and 213 have been renumbered as sections 219 and 222, respectively; and

b. On page 3, line 7, "212" has been struck and "219" inserted.

5. In the Hall amendment, FA363:

a. Sections 134, 222, and 223 have been renumbered as sections 135, 217, and 218, respectively;

b. Section 226 has been struck and the following new section inserted:

"Sec. 228. That original section 39-602, Revised Statutes Supplement, 1990, section 77-202.24, Revised Statutes Supplement, 1991, and section 77-3438, Revised Statutes Supplement, 1991, as amended by section 191, Legislative Bill 1063, Ninety-second Legislature, Second Session, 1992, are repealed.";

c. On page 38, line 17, the first "the" has been struck; and in line 20 "222" has been struck and "217" inserted; and

d. On page 39, line 2, "of the Legislature" has been inserted after the second "Committee"; in line 8 an underscored comma has been inserted after "1994"; and in line 10 "Commission" has been struck and "Commissioner" inserted.

6. In the Robinson amendment, AM4008:

a. Section 172 has been renumbered as section 177; and

b. On page 2, line 17, the first comma has been struck; and in line 23 the paragraphing has been eliminated.

7. In the Landis amendment, AM3922, on page 1, line 10, "shall" has been struck and shown as stricken.

8. In the Crosby amendment, AM3908, section 172 and 216 have been renumbered as sections 175 and 227, respectively.

9. In the Warner-Withem amendment, AM3798:

a. On page 7, line 16, "shall" has been struck, shown as stricken, and "will" inserted;

b. On page 9, line 17, the comma has been struck and shown as stricken;

c. On page 31, lines 9 and 10, the stricken comma has been reinstated;

d. On page 32, line 5, "will" has been inserted after the stricken "shall";

e. On page 33, line 24, an underscored comma has been inserted after "county";

f. On page 35, line 19, "will" has been inserted after the stricken "shall";

g. On page 36, line 2, "and" has been inserted after the semicolon;

h. On page 42, line 15, the first stricken comma has been reinstated;

i. On page 49, line 21, "to" has been struck and shown as stricken;

j. On page 54, line 6, ": The" has been struck and the stricken "the" reinstated;

k. On page 57, line 12, the stricken matter has been reinstated;

l. On page 58, line 6, "thereof" has been struck and shown as stricken; and in line 8 the stricken comma has been reinstated;

m. On page 62, line 14, "be" has been struck, shown as stricken, and "is" inserted;

n. On page 64, line 5, the stricken matter has been struck;

o. On page 65, line 6, "water" has been struck, shown as stricken, and "utilities" inserted;

p. On page 85, line 3, "if" has been inserted after the stricken "which"; and in lines 5 and 8 the stricken "if" has been reinstated;

q. On page 87, line 21, "a" has been inserted after "levy";

r. On page 88, lines 18 through 20, the stricken matter has been reinstated; and in line 20 the new matter has been struck;

s. On page 106, line 7, "of" has been struck and shown as stricken;

t. On page 175, line 9, an underscored comma has been inserted after "Act"; and in line 10 "for" has been inserted after the first comma and the stricken "for" has been reinstated;

u. On page 176, line 16, paragraphing has been inserted after the period;

v. On page 186, line 17, "said" has been struck, shown as stricken, and "the" inserted;

w. On page 198, line 23, the first stricken comma has been reinstated;

x. On page 207, line 8, the comma has been struck and shown as stricken;

y. On page 230, line 24; and page 231, line 1, the first stricken comma has been reinstated;

z. On page 261, the matter beginning with "For" in line 8 through line 13 has been underscored;

aa. On page 263, line 12, "Legislative Bill 1063," has been inserted after the comma;

bb. On page 266, line 13, "71" has been struck and "72" inserted;

cc. Section 212 and all amendments thereto have been struck and the following new sections inserted:

"Sec. 220. That Laws 1988, LB 940, section 18, as amended by Laws 1990, LB 259, section 34, and by Laws 1991, LB 511, section 89, be amended to read as follows:

Sec. 18. Section 19 of this act as amended by section 90, Legislative Bill 511, Ninety-second Legislature, First Session, 1991, and by section 221, Legislative Bill 719A, Ninety-second Legislature, Second Session, 1992, shall become operative on July 1, 1993. The other sections of this act shall become operative on their effective date.

Sec. 221. That Laws 1988, LB 940, section 19, as amended by Laws 1991, LB 511, section 90, be amended to read as follows:

Sec. 19. That sections 79-437, 79-495, 79-496, 79-499, 79-4,101, and 79-4,105, Reissue Revised Statutes of Nebraska, 1943, sections ~~79-436,~~ 79-497~~,~~ and 79-498, Reissue Revised Statutes of Nebraska, 1943, as amended by sections ~~25,~~ 38~~,~~ and 39, respectively, Legislative Bill 511, Ninety-second Legislature, First Session, 1991, ~~and~~ sections 79-4,102 to 79-4,104, Revised Statutes Supplement, 1990, as amended by sections 40 to 42, respectively, Legislative Bill 511, Ninety-second Legislature, First Session, 1991, and section 79-436, Revised Statutes Supplement, 1991, as amended by section 185, Legislative Bill 719A, Ninety-second Legislature, Second Session, 1992, are repealed.

Sec. 223. Sections 135, 162, 177, and 228 of this act shall become operative three calendar months after the adjournment of this legislative session. Sections 175 and 227 of this act shall be operative for all taxable years beginning or deemed to begin on or after January 1, 1991, under the Internal Revenue Code of 1986, as amended. Sections 204 to 216 and 224 of this act shall become operative on January 1, 1992. Sections 203 and 225 of this act shall become operative on April 1, 1992. The other sections of this act shall become operative on their effective date.";

dd. On page 271, line 19, "and" has been struck; and in line 22 "Laws 1988, LB 940, section 19, as amended by Laws 1991, LB 511, section 90, and Laws 1988, LB 940, section 18, as amended by Laws 1990, LB 259, section 34, and by Laws 1991, LB 511, section 89," has been inserted after the second comma; and

ee. The remaining sections have been renumbered accordingly.

10. On page 1, the matter beginning with "appropriations" in line 1 through line 5 has been struck and "revenue and taxation; to amend sections 2-201, 2-203.01, 2-203.03, 2-203.06, 2-1604, 2-2430, 2-2433, 2-2434, 2-2436, 2-3225, 3-504, 3-603, 3-605, 3-613, 3-707, 10-401, 10-406, 10-407, 10-409, 10-501, 10-704, 10-707, 10-801, 12-402, 12-604, 12-914, 12-923, 12-1001, 13-304, 13-315, 13-1115, 13-1304, 13-1311, 14-365.01, 14-365.07, 14-383, 14-514, 14-525, 15-235.02, 16-203, 16-672.11, 16-675, 16-678, 16-680, 16-688, 16-694, 16-697, 17-229, 17-231, 17-506, 17-508.02, 17-529.08, 17-534, 17-545, 17-702, 17-703, 17-713, 17-718, 17-908, 17-925.01, 17-938, 17-951, 17-958, 17-964, 17-967, 17-976, 18-501, 18-512, 18-1005, 18-1201, 18-1202, 18-1203, 18-1204, 18-1205, 18-1502, 18-1503, 18-1505, 18-2717, 19-1302, 19-1309, 19-1402, 19-1403, 19-2102, 19-3313, 19-3315, 19-3318, 19-3321, 19-3327, 21-303, 22-215, 22-407, 23-119, 23-120, 23-125, 23-276, 23-320.03, 23-320.05, 23-320.11, 23-344, 23-351, 23-355.01, 23-360, 23-501, 23-801, 23-802, 23-804, 23-918, 23-2909, 23-3302, 23-3509, 23-3511, 23-3513, 23-3519, 23-3530, 23-3532, 23-3540, 23-3558, 23-3561, 23-3565, 31-370, 31-450, 31-510, 31-531, 31-540, 31-709, 31-755, 31-905, 35-513.01, 35-513.02, 35-519, 39-801, 39-836, 39-1002, 39-1619, 39-1636.01, 39-1637, 39-1648, 39-1649, 39-1902, 39-1903, 39-1905, 39-1906, 46-139, 46-144, 46-1,127, 46-516, 46-553, 46-574, 51-316, 51-501, 71-1611, 71-1629.01, 71-1637, 74-1306, 77-603, 77-1311, 77-1327, 77-1506.01, 77-1602, 77-1603, 77-1605, 77-1605.01, 77-1627, 79-408.02, 79-415, 79-417, 79-422, 79-433, 79-480, 79-533, 79-536, 79-1007.02, 79-1052, 79-1435.03, 79-2302, 79-2313, 80-102, 86-402, and 86-403, Reissue Revised Statutes of Nebraska, 1943, sections 35-502, 35-508, 35-509, 39-602, 79-408.03, 79-420, and 79-2650, Revised Statutes Supplement, 1990, sections 51-201, 66-4,101, 77-202.24,

77-1301.13, 77-1613.01, 77-1734.01, 77-2716.02, 79-436, 79-437.03, 79-547.04, 79-609, and 79-3809, Revised Statutes Supplement, 1991, section 14-1026 Reissue Revised Statutes of Nebraska, 1943, as amended by section 43, Legislative Bill 746, Ninety-second Legislature, Second Session, 1992, section 77-2734.03, Reissue Revised Statutes of Nebraska, 1943, as amended by section 184, Legislative Bill 1063, Ninety-second Legislature, Second Session, 1992, section 77-3438, Revised Statutes Supplement, 1991, as amended by section 191, Legislative Bill 1063, Ninety-second Legislature, Second Session, 1992, Laws 1988, LB 940, section 19, as amended by Laws 1991, LB 511, section 90, Laws 1988, LB 940, section 18, as amended by Laws 1990, LB 259, section 34, and by Laws 1991, LB 511, section 89, and sections 42, 48, 65 to 69, and 71 to 76, Legislative Bill 1063, Ninety-second Legislature, Second Session, 1992; to change and eliminate terminology to carry out Legislative Bill 1063, Ninety-second Legislature, Second Session, 1992; to change the corporate registration fee; to define and redefine terms; to provide for refunds of personal property tax or fees as prescribed; to change provisions relating to a surcharge on depreciation, taxes on insurance premiums and assessments, and the computation of anticipated aggregate receipts; to change and eliminate fees on commercial fertilizers and soil conditioners; to change and eliminate provisions relating to car line companies; to provide for a study; to authorize adjustments to the value of railroad and car line property; to eliminate intent language; to harmonize provisions; to provide and eliminate duties for the Revisor of Statutes; to provide operative dates; to repeal the original sections, and also sections 77, 208, and 209, Legislative Bill 1063, Ninety-second Legislature, Second Session, 1992; and to declare an emergency." inserted.

(Signed) Eric Will, Chairperson

GENERAL FILE

LEGISLATIVE BILL 899. Considered.

Mr. Lamb withdrew his pending amendment, FA260, found in the Journal on page 728.

Messrs. Lamb, Wickersham, and Kristensen offered the following amendment:
AM4126

1. On page 4, strike beginning with "The" in line 19 through the period in line 24 and insert "The replacement lands shall be capable of being used to create wetlands comparable to the wetlands area affected. The area of the replacement lands may exceed

the wetlands area affected. Lands may be acquired to establish a large or composite wetlands area, sometimes called a wetlands bank, not larger than an area which is one hundred fifty percent of the lands reasonably expected to be necessary for the mitigation of future impact on wetlands brought about by highway construction, reconstruction, or maintenance during the six-year plan in effect upon acquisition of the lands.".

PRESIDENT MOUL PRESIDING

Mr. Abboud moved the previous question. The question is, "Shall the debate now close?"

Mr. Abboud moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

The motion to cease debate prevailed with 25 ayes, 1 nay, and 23 not voting.

The Lamb-Wickersham-Kristensen amendment was adopted with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Mr. Abboud moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 1 nay, and 20 not voting.

Advanced to E & R for review with 32 ayes, 1 nay, 14 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 1098. Title read. Considered.

Standing Committee amendment, AM3161, found in the Journal on page 1110, was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for review with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 459. Title read. Considered.

Standing Committee amendment, AM2420, found in the Journal on page 460, was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Mr. Baack withdrew his pending amendment, AM3832, printed separately from the Journal and referred to on page 1794.

Advanced to E & R for review with 25 ayes, 1 nay, 20 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 754. Mr. Kristensen withdrew his pending amendment, AM1378, found in the Journal on page 1745, First Session, 1991.

Mr. R. Johnson withdrew his pending amendment, AM1472, found in the Journal on page 2003, First Session, 1991.

Mr. Warner withdrew his pending amendment, AM1527, found in the Journal on page 2107, First Session, 1991.

Mr. Coordsen withdrew his pending amendment, AM1832, found in the Journal on page 2160, First Session, 1991.

Mr. Schmit withdrew his pending amendment, AM3587, found in the Journal on page 1466.

Messrs. Wehrbein, Schmit, and Mrs. Bohlke withdrew their pending amendment, AM3646, printed separately from the Journal and referred to on page 1528.

Mr. Lynch withdrew his pending amendment, AM3747, found in the Journal on page 1635.

Messrs. Wehrbein and Schmit renewed their pending amendment, AM3910, on file in the Clerk's Office and referred to on page 1861.

Messrs. Will and Conway asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Wesely offered the following amendment to the Wehrbein-Schmit pending amendment:
FA378

Amend AM3910 to LB 754 by striking Section 10

Mr. Wesely withdrew his pending amendment.

Mr. Wesely requested a division of the question on the Wehrbein-Schmit amendment.

The Chair sustained the division of the question.

The first Wehrbein-Schmit amendment is as follows:
FA379
All of AM3910 except Section 10.

SPEAKER BAACK PRESIDING

Mr. Lynch offered the following amendment to the Wehrbein-Schmit pending amendment:
AM3986

(Amendments to AM3910)

1. On page 17, strike beginning with "then" in line 21 through line 24 and insert "the credits shall not be funded through General Funds or the motor".

2. On page 18, line 2, after "shall" insert "not"; and strike lines 3 through 5 and insert "General Funds or the motor vehicle fuel tax.".

Mr. Moore asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Lynch withdrew his pending amendment.

Mr. Wehrbein renewed his pending amendment, AM3930, found in the Journal on page 1883, to the first Wehrbein-Schmit pending amendment.

Mr. Wehrbein moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

The Wehrbein amendment was adopted with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

The first Wehrbein-Schmit amendment, as amended, was adopted with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

The second Wehrbein-Schmit amendment is as follows:
FA380
Section 10 of AM3910.

Mr. Wehrbein moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Messrs. Haberman and Coordsen asked unanimous consent to be excused. No objections. So ordered.

The second Wehrbein-Schmit amendment was adopted with 27 ayes, 2 nays, 13 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

EXPLANATION OF VOTE

Had I been present, I would have voted aye to advance LB 1240 on General File and LB 1178 on Final Reading.

(Signed) Jessie Rasmussen

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 1257 in the Journal. No objections. So ordered.

AM4157

(Amendments to E & R amendments, AM5281)

1. Insert the following new section:

"Sec. 50. That section 18-2528, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

18-2528. (1) The following measures shall not be subject to referendum or limited referendum:

(a) Measures necessary to carry out contractual obligations, including, but not limited to, those relating to the issuance of or provided for in bonds, notes, warrants, or other evidences of indebtedness, for projects previously approved by a measure which was, or is, subject to referendum or limited referendum or previously approved by a measure adopted prior to July 17, 1982;

(b) Measures relating to any industrial

development projects, subsequent to measures giving initial approval to such projects;

(c) Measures adopting proposed budget statements following compliance with procedures set forth in the Nebraska Budget Act;

(d) Measures relating to the immediate preservation of the public peace, health, or safety which have been designated as urgent measures by unanimous vote of those present and voting of the municipal subdivision's governing body and approved by its executive officer;

(e) Measures relating to projects for which notice has been given as provided for in subsection (4) of this section and for which a sufficient referendum petition was not filed within the time limit stated in such notice or which received voter approval after the filing of such petition;

(f) Resolutions directing the city clerk to cause measures to be submitted to a vote of the people at a special election as provided in sections 18-2524 and 18-2529; ~~and~~

(g) Resolutions ordering an earlier effective date for measures enacted by initiative as provided in section 18-2526; and

(h) Measures relating to any facility or system adopted or enacted pursuant to the Integrated Solid Waste Management Act by municipalities necessary to carry out contractual obligations provided for in previously issued bonds, notes, warrants, or other evidence of indebtedness, and pay rates and salaries for municipal subdivision employees other than the members of the governing body and the executive officer.

(2) The following measures shall be subject to limited referendum:

(a) Measures in furtherance of a policy of the municipal subdivision or relating to projects previously approved by a measure which was subject to referendum or which was enacted by initiative or has been approved by the voters at an election, except that such measures shall not be subject to referendum or limited referendum for a period of one year after any such policy or project was approved at a referendum election, enacted by initiative, or approved by the voters at an election;

(b) Measures relating to the acquisition, construction, installation, improvement, or enlargement, including the financing or refinancing of the costs, of public ways, public property, utility systems, and other capital projects and measures giving initial approval for industrial development projects; ~~and~~

(c) Measures setting utility system rates and charges, except for measures necessary to carry out contractual obligations provided for in previously issued bonds, notes, warrants, or other evidences of indebtedness, and pay rates and salaries for municipal subdivision employees other than the members of the governing body and the executive officer; and

(d) Measures relating to any facility or system adopted or enacted pursuant to the Integrated Solid Waste Management Act by municipalities except for measures necessary to carry out contractual obligations provided for in previously issued bonds, notes, warrants, or other evidence of indebtedness, and pay rates and salaries for municipal subdivision employees other than the members of the governing body and the executive officer.

(3) Measures subject to limited referendum shall ordinarily take effect thirty days after their passage by the governing body, including an override of any veto, if necessary. Referendum petitions directed at measures subject to limited referendum shall be filed for signature verification pursuant to section 18-2518 within thirty days after such measure's passage by the governing body, including an override of any veto, if necessary, or after notice is first published pursuant to subdivision (4)(c) of this section. If the necessary number of signatures as provided in section 18-2529 or 18-2530 has been obtained within the time limitation, the effectiveness of the measure shall be suspended unless approved by the voters.

(4) For any measure relating to the acquisition, construction, installation, improvement, or enlargement of public ways, public property, utility systems, or other capital projects or any measure relating to any facility or system adopted or enacted pursuant to the Integrated Solid Waste Management Act, a municipality may exempt all subsequent measures relating to the same project from the referendum and limited referendum procedures provided for in sections 14-201, 14-204, 15-301, 16-302.01, 16-6,108, 18-2501 to 18-2537, 32-513, 32-713.01, and 71-3305 by the following

procedure:

(a) By holding a public hearing on the project, the time and place of such hearing being published at least once not less than five days prior to the date set for hearing in a newspaper of general circulation within the governing body's jurisdiction;

(b) By passage of a measure approving the project, including an override of a veto if necessary, at a meeting held on any date subsequent to the date of hearing; and

(c) After passage of such measure, including an override of a veto if necessary, by giving notice as follows: (i) For those projects for which applicable statutes require an ordinance or resolution of necessity, creating a district or otherwise establishing the project, notice shall be given for such project by including either as part of such ordinance or resolution or as part of any publicized notice concerning such ordinance or resolution a statement that the project as described in the ordinance or resolution is subject to limited referendum for a period of thirty days after the first publication of such notice and that, after such thirty-day period, the project and measures related to it will not be subject to any further right of referendum; and (ii) for projects for which applicable statutes do not require an ordinance or resolution of necessity, notice shall be given by publication of a notice concerning such projects stating in general terms the nature of the project and the engineer's estimate of costs of such project and stating that the project described in the notice is subject to limited referendum for a period of thirty days after the first publication of such notice and that, after such thirty-day period, the project and measures related to it will not be subject to any further right of referendum. The notice required by subdivision (c)(ii) of this subsection shall be published in at least one newspaper of general circulation within the municipal subdivision and shall be published not later than fifteen days after passage by the governing body, including an override of a veto, if necessary, of a measure approving the project.

The right of a municipal subdivision to hold such a hearing prior to passage of the measure by the governing body and give such notice after passage of such measure by the governing body to obtain exemption for any particular project in a manner described in this subsection is optional and no municipal subdivision shall be required to hold such a hearing or give such notice for any particular project.

(5) All measures, except as provided in subsections (1), (2), and (4) of this section, shall be subject to the referendum procedure at any time after such measure has been passed by the governing body, including an override of a veto, if necessary, or enacted by the voters by initiative.".

2. On page 11, line 3, after the period insert:

"Measures adopted or enacted by municipalities with respect to any facility or system shall constitute measures subject to limited referendum under subsection (2) of section 18-2528, and a municipality shall be authorized to exempt all subsequent measures relating to the same project from referendum and limited referendum as provided under subsection (4) of such section 18-2528.".

3. On page 160, line 20; and page 161, line 13, before "19-2111" insert "18-2528,".

4. Renumber the remaining sections accordingly.

Mr. Abboud asked unanimous consent to print the following amendment to LB 459 in the Journal. No objections. So ordered.

AM4047

(Amendments to Standing Committee amendments, AM2420)

1. Insert the following new section:

"Sec. 17. For purposes of the Uniform Controlled Substances Act, regular basis shall mean that the totality of the circumstances shows any act or conduct prohibited by the act was part of a similar act or course of conduct and that the act or conduct occurred one or more times or that under the circumstances the money or property involved, the size of the property seizure, or the value of the property or controlled substances seized reasonably infers that the conduct occurred on a regular basis.".

2. Renumber the remaining sections and correct internal references accordingly.

Mr. Wickersham asked unanimous consent to print the following amendment to LB 1184 in the Journal. No objections. So ordered.

AM4163

(Amendments to E & R amendments, AM5283)

1. Insert the following new section:

"Sec. 8. That section 42-358, Revised Statutes Supplement, 1991, be amended to read as follows:

42-358. (1) The court may appoint an attorney to protect the interests of any minor children of the parties. Such attorney shall be empowered to make independent investigations and to cause witnesses to appear and testify on matters pertinent to the welfare of the children. The court shall by order fix the fee, including disbursements, for such attorney, which amount shall be taxed as costs and paid by the parties as ordered. If the court finds the party responsible is indigent, the court may order the county to pay the costs.

(2) Following entry of any decree, the court having jurisdiction over the minor children of the parties may at any time appoint an attorney, as friend of the court, to initiate contempt proceedings for failure of any party to comply with an order of the court directing such party to pay temporary or permanent child support. The county attorney or authorized attorney may be appointed by the court for the purposes provided in this section.

~~(2)~~ (3) The clerk of each district court shall maintain child support orders and delinquency records by the sums due to the court-ordered payee, except as provided in section 43-512.07, in each case docketed in which child support is fixed by order of the court. For support orders in all cases issued before September 6, 1991, and for support orders issued or modified on or after September 6, 1991, in cases in which no party has applied for services under Title IV-D of the Social Security Act, as amended, each month the clerk shall certify all cases in which the court-ordered child support or spousal support is delinquent in an amount equal to the support due and payable for a one-month period of time to the judge presiding over domestic relations cases and to the county attorney or authorized attorney. A rebuttable presumption of contempt shall be established if a prima facie showing is made that the court-ordered child or spousal support is delinquent. In cases in which one of the parties receives services under Title IV-D of the Social Security Act, as amended, the clerk shall certify all support orders issued or modified on or after September 6, 1991, to the county attorney or authorized attorney.

In each case certified, income withholding shall be implemented pursuant to the Income Withholding for Child Support Act. If income withholding is not feasible and no other action is pending for the collection of support payments, the court shall appoint an attorney to commence contempt of court proceedings. If the county attorney or authorized attorney consents, he or she may be appointed for such purpose. The contempt proceeding shall be instituted within ten days following appointment, and the case shall be diligently prosecuted to completion. The court shall by order fix the fee, including disbursements, for such attorney, which amount shall be taxed as costs and paid by the parties as ordered. Any fees allowed for the services of any county attorney or authorized attorney shall be paid to the Department of Social Services when there is an assignment of support to the department pursuant to section 43-512.07 or when an application for child support services is on file with a county attorney or authorized attorney. If the court finds the party responsible is indigent, the court may order the county to pay the costs.

~~(3)~~ (4) If, at the hearing, the person owing child or spousal support is called for examination as an adverse party and such person refuses to answer upon the ground that his or her testimony may be incriminating, the court may, upon the motion of the county attorney or authorized attorney, require the person to answer and produce the evidence. In such a case the evidence produced shall not be admissible in any criminal case against such person nor shall any evidence obtained because of the knowledge gained by such evidence be so admissible.

~~(4)~~ (5) The court may order access to all revenue information maintained by the Department of Revenue or other agencies concerning the income of persons liable or who pursuant to this section and sections 42-358.08 and 42-821 may be found liable to pay child or spousal support payments.

~~(5)~~ (6) Any person aggrieved by a determination of the court may appeal such decision to the Court of Appeals.".

2. On page 21, line 8, strike "section 28-101" and insert "sections 28-101 and 42-358".

3. Renumber the remaining sections accordingly.

SELECT FILE

LEGISLATIVE BILL 291. E & R amendment, AM5258, printed separately from the Journal and referred to on page 885, was adopted.

Mr. Chambers renewed his pending amendment, FA255, found in the Journal on page 659.

Mr. Morrissey asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers withdrew his pending amendment.

Mr. Kristensen withdrew his pending amendment, AM3829, found in the Journal on page 1743.

Mr. Kristensen renewed his pending amendment, AM3901, printed separately from the Journal and referred to on page 1905.

MR. WARNER PRESIDING

Mr. Schellpeper asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hall offered the following amendment to the Kristensen pending amendment:
FA381
Amend AM3901
On pg. 3, line 4 strike "thirty" and insert "seven"
In the new Sections 4 & 5 strike "eight" and insert "seven" every time it appears.

Mr. Rogers moved the previous question. The question is, "Shall the debate now close?"

Mrs. Pirsch moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

The motion to cease debate prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Hall requested a record vote on his amendment.

Voting in the affirmative, 13:

Abboud
Ashford
Baack
Bernard-Stevens
Chambers
Conway
Hall
Johnson, R.
Landis
Lynch
Rasmussen
Robak
Will

Voting in the negative, 25:

Beutler
Beyer
Bohlke
Byars
Crosby
Cudaback
Elmer
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Lamb
Lindsay
Nelson
Peterson
Pirsch
Robinson
Rogers
Schimek
Schrock
Warner
Wehrbein
Wesely
Wickersham

Present and not voting, 4:

Coordsen
Dierks
Kristensen
Withem

Absent and not voting, 1:

Schmit

Excused and not voting, 6:

Chizek
Haberman
Labedz
Moore
Morrissey
Schellpeper

The Hall amendment lost with 13 ayes, 25 nays, 4 present and not voting, 1 absent and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Bernard-Stevens offered the following amendment to the Kristensen pending amendment:
FA382
AM to AM3901
Strike on Page 12 lines 10 - 15 and insert the following new language:
(8) After any person has been convicted of driving while intoxicated for the first time, or any person convicted of driving while intoxicated who

has never been assessed for alcohol abuse shall, during a pre-sentence evaluation, submit to and participate in an alcohol assessment. The alcohol assessment shall be paid for by the person convicted of driving under the influence. At the time of sentencing, the Judge having reviewed the assessment results, may then order the convicted person to follow through on the alcohol assessment results at the convicted person's expense, in lieu of or in addition to any penalties deemed necessary.

SPEAKER BAACK PRESIDING

Mr. Hefner asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Crosby moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Bernard-Stevens moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Bernard-Stevens requested a roll call vote on his amendment.

Voting in the affirmative, 27:

Abboud
Baack
Bernard-Stevens
Bohlke
Byars
Chambers
Conway
Crosby
Hall
Hartnett
Hillman
Horgan
Johnson, R.
Landis
Lindsay
Lynch
Moore
Nelson
Pirsch
Rasmussen
Robinson
Schimek
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 13:

Ashford
Beyer
Cudaback
Dierks
Elmer
Johnson, L.
Kristensen
Lamb
Peterson
Rogers
Schmit
Schrock
Warner

Present and not voting, 2:

Beutler
Coordsen

Absent and not voting, 1:

Robak

Excused and not voting, 6:

Chizek
Hefner
Labedz
Morrissey
Schellpeper
Haberman

The Bernard-Stevens amendment was adopted with 27 ayes, 13 nays, 2 present and not voting, 1 absent and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Will asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. R. Johnson asked unanimous consent to be excused. No objections. So ordered.

The Kristensen amendment, as amended, was adopted with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

Mr. Kristensen renewed his pending amendment, AM3915, printed separately from the Journal and referred to on page 1905.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Beutler asked unanimous consent to print the following amendment to LB 988 in the Journal. No objections. So ordered.

AM4119

1. On page 14, line 16, after the period insert "If the committee decides to undertake a program evaluation, the committee shall immediately appoint the chairperson of the standing committee of the Legislature which has subject matter jurisdiction over the program being evaluated as a committee member with full voting rights for purposes of the specific program evaluation for which he or she was appointed.".

Mr. Baack asked unanimous consent to print the following amendment to LB 556 in the Journal. No objections. So ordered.

AM4076

(Amendments to AM5280)

1. Insert the following new section:

"Sec. 5. Any individual who files to appear on the ballot for an elective office specified in subsection (1) of section 4 of this act shall file a copy of the written declaration that was filed with the Nebraska Accountability and Disclosure Commission as provided in subsections (3) and (4) of section 4 of this act at the same time and with the same official with whom the individual files for office. Candidates for an elective office specified in subsection (1) of section 4 of this act who qualify other than by filing, shall file a written declaration as provided in subsections (3) and (4) of section 4 of this act with the commission within five days after qualifying for the ballot. A filing to appear on the ballot for an office specified in subsection (1) of section 4 of this act shall not be accepted by a filing official unless a written declaration is properly filed.".

2. On page 1, line 4, strike "9" and insert "10".

3. On page 2, line 7, after "purchase" insert "for campaign activities"; in line 11 strike the second "and"; and in lines 12 and 13 strike "incurred for campaign activities" and insert ", and (f) staff salaries".

4. On page 4, line 1, strike "returned" and insert "repaid" and strike "No"; in line 2 strike "money" and insert "Money" and strike "shall" and insert "prior to filing the declaration required by subdivision (b) of this subsection shall not"; strike beginning with "until" in line 3 through "filed" in line 5; and in line 19 after "expenditures" insert "as defined in section 3 of this act and section 49-1419".

5. On page 5, line 4, strike "The" and insert "If the highest estimated maximum expenditure filed by any of the candidate's opponents for that same office in effect as of the last date to amend an affidavit pursuant to subsection (4) of section 4 of this act is greater than the spending limitation for the office, the"; in line 7 strike "expenditures" and insert "expenditure"; strike beginning with "for" in line 8 through "act" in line 10; and in line 22 strike

"returned" and insert "repaid".

6. On page 6, line 1, strike "5" and insert "6"; in line 3 strike "refund" and insert "repay"; in line 12 strike "IV" and insert "II"; in line 13 strike "return" and insert "repay"; in line 20 after "knows" insert "or should have known"; and in line 22 strike "I misdemeanor" and insert "IV felony".

7. On page 7, line 4, after "(5)" insert "Any other violation of the Campaign Finance Limitation Act, not otherwise covered by subsections (1) through (4) of this section, shall be a Class IV misdemeanor.

(6)"; and in line 5 strike "5" and insert "6".

8. On page 8, line 18, after "under" insert "subsection (3) of".

9. On page 9, line 3 strike "refunded" and insert "repaid" and strike "section 6" and insert "sections 6 and 7".

10. On page 14, line 13, strike "acts" and insert "Nebraska Political Accountability and Disclosure Act"; and in line 15 after "thereunder" insert "and act concurrently with the county attorney in prosecuting criminal violations of the Campaign Finance Limitation Act"; and in line 19 after "Nebraska" insert ", seek the return of any amount as provided in section 6 of this act, and seek the repayment of any amount as provided in section 7 of this act".

11. Renumber the remaining sections accordingly.

Mr. Baack asked unanimous consent to print the following amendment to LB 556 in the Journal. No objections. So ordered.

AM3868

(Amendments to AM5280)

1. On page 7, strike beginning with "(1)" in line 7 through line 24.

2. On page 8, strike beginning with "Regents" in line 1 through "(3)" in line 3; in line 7 strike "three" and insert "seven"; in line 8 strike "and"; strike line 9 and insert ", seventy-five thousand"; in line 10 strike "five hundred" and after the second "for" insert "Lieutenant Governor,"; and in line 12 strike "twenty" and insert "twenty-five".

Messrs. Landis, Wesely, Kristensen, and Lynch asked unanimous consent to print the following amendment to LB 835 in the Journal. No objections. So ordered.

AM4166

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 44-4228, Revised Statutes Supplement, 1991, be amended to read as follows:

44-4228. (1) Pool coverage shall exclude charges or expenses incurred during the first six months following the effective date of coverage as to any condition ~~(1)~~ (a) which had manifested itself during the six-month period immediately preceding the effective date of coverage in such a manner as would cause an ordinarily prudent person to seek diagnosis, care, or treatment or ~~(2)~~ (b) for which medical advice, care, or treatment was recommended or received during the six-month period immediately preceding the effective date of coverage.

(2) Any person whose health coverage is involuntarily terminated on or after January 1, 1992, and who is not eligible for a conversion policy or a continuation of coverage policy or contract available under state or federal law may apply for pool coverage but shall submit proof of eligibility pursuant to section 44-4221. If such proof is supplied and if pool coverage is applied for under the act within sixty days after the involuntary termination and if premiums are paid to the pool for the entire coverage period, any waiting period or preexisting condition exclusions provided for under the pool shall be waived to the extent similar exclusions, if any, under the previous health coverage have been satisfied and the effective date of the pool coverage shall be the day following termination of the previous coverage. The board may assess an additional premium for pool coverage provided pursuant to this subsection notwithstanding the premium limitations stated in section 44-4227. For purposes of this subsection, a person whose health coverage is involuntarily terminated shall mean a person whose health insurance or health plan is terminated by reason of the withdrawal by the insurer from this state,

bankruptcy or insolvency of the employer or employer trust fund, or cessation by the employer of providing any group health plan for all of its employees.

(3) Subsection (1) of this ~~This~~ section shall not apply to a person who has received medical assistance pursuant to section 43-522 or sections 68-1018 to 68-1025 or an organ transplant recipient terminated from coverage under medicare during the six-month period immediately preceding the effective date of coverage.

Sec. 2. That section 44-4233, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

44-4233. (1) Any insurer subject to premium and related retaliatory tax liability imposed by section 44-150 or 77-908 may offset assessments paid to the pool by such insurer ~~in a calendar year~~ against its tax liability ~~for that year~~ in the year of payment or subsequent years. For tax years commencing on or after January 1, 1992, the insurer may offset such paid assessments against (a) subsequent premium tax prepayments imposed by section 77-918, (b) subsequent premium tax payments imposed by section 77-908, and (c) related retaliatory tax liability imposed by section 44-150. Prior to January 1, 1996, no individual insurer shall be subject to any liability of the pool in excess of its premium and related retaliatory tax liability which may be offset under this section.

(2) Commencing with assessments imposed or paid in 1991 and for all subsequent years prior to January 1, 1996, whenever it reasonably appears to the satisfaction of the board that an insurer has during a calendar year paid assessments that exceed that insurer's premium and related retaliatory tax liability for that calendar year, the board shall, upon request from such insurer, order the refund to that insurer of the amount of the assessment that exceeded that insurer's premium and related retaliatory tax liability. An insurer's request for a refund shall be filed with the board not later than thirty days after the due date of the insurer's premium tax return filed with the department. If the refund is not made by the board within thirty days after receipt of the refund request, the insurer may within thirty days thereafter initiate a suit in district court for the amount claimed. The suit

shall be heard by the district court de novo. In the event that an assessment against a member is limited by reason of that insurer's premium and related retaliatory tax liability, the amount by which the assessment is limited may be assessed against the other members in a manner consistent with the basis for assessments specified in subsection (3) of section 44-4225.

Sec. 3. The Board of Directors of the Comprehensive Health Insurance Pool and the Department of Insurance shall work closely with the Department of Veterans' Affairs to ensure the Veterans' Aid Income Fund and various federal benefits are utilized along with the Comprehensive Health Insurance Pool as resources for veterans and their families.

Sec. 4. That section 80-401.01, Revised Statutes Supplement, 1991, be amended to read as follows:

80-401.01. For purposes of sections 80-401 to 80-412, unless the context otherwise requires:

(1) A recognized veterans organization shall mean a veterans organization that has been chartered by the Congress of the United States, which maintains a fully staffed state headquarters, and which, at the time an appointment is to be made, has enrolled in its membership in Nebraska at least ten percent of the World War I, World War II, Korean War, and Vietnam War veterans eligible therefor, except that the Disabled American Veterans organization shall have enrolled in its membership in Nebraska at least ten percent of those Nebraska veterans receiving service-connected compensation from the United States Department of Veterans Affairs. The recognized veterans organizations shall be the American Legion, Disabled American Veterans, Paralyzed Veterans of America, and Veterans of Foreign Wars of the United States;

(2) Veteran of the Spanish-American War shall mean a person who served on active duty in the armed forces of the United States between April 21, 1898, and July 4, 1902, and who received an honorable discharge, or its equivalent, from such service or who, being a citizen of the United States at the time of his or her entry into such service, served with the military forces of any government allied with the United States in that war;

~~(2)~~ (3) Veteran of World War I shall mean a person who served on active duty in the armed forces of the United States between April 6, 1917, and November 11, 1918, and who has received an honorable discharge, or its equivalent, from such service or who, being a resident of the United States at the time of his or her entry into such service, served with the military forces of any government allied with the United States in that war;

~~(3)~~ (4) Veteran of World War II shall mean a person who served on active duty in the armed forces of the United States between December 7, 1941, and December 31, 1946, and who received an honorable discharge, or its equivalent, from such service or who, being a citizen of the United States at the time of his or her entry into such service, served with the military forces of any government allied with the United States in that war and who received an honorable discharge, or its equivalent, from such service;

~~(4)~~ (5) Veteran of the Korean War shall mean a person who served on active duty in the armed forces of the United States between June 25, 1950, and January 31, 1955, and who received an honorable discharge, or its equivalent, from such service or who, being a citizen of the United States at the time of his or her entry into such service, served with the military forces of any government allied with the United States in that war and who received an honorable discharge, or its equivalent, from such service;

~~(5)~~ (6) Veteran of the Vietnam War shall mean a person who served on active duty in the armed forces of the United States between August 5, 1964, and May 7, 1975, and who received an honorable discharge, or its equivalent, from such service or who, being a citizen of the United States at the time of his or her entry into such service, served with the military forces of any government allied with the United States in that war and who received an honorable discharge, or its equivalent, from such service;

(7) Veteran of Lebanon shall mean a person who served on active duty in the armed forces of the United States between August 25, 1982, and February 26, 1984, and who received an honorable discharge, or its equivalent, from such service or who, being a citizen of the United States at the time of his or her entry into such service, served with the military forces of any

government allied with the United States in that war and who received an honorable discharge, or its equivalent, from such service;

(8) Veteran of Grenada shall mean a person who served on active duty in the armed forces of the United States between October 23, 1983, and November 23, 1983, and who received an honorable discharge, or its equivalent, from such service or who, being a citizen of the United States at the time of his or her entry into such service, served with the military forces of any government allied with the United States in that war and who received an honorable discharge, or its equivalent, from such service;

(9) Veteran of Panama shall mean a person who served on active duty in the armed forces of the United States between December 30, 1989, and January 31, 1990, and who received an honorable discharge, or its equivalent, from such service or who, being a citizen of the United States at the time of his or her entry into such service, served with the military forces of any government allied with the United States in that war and who received an honorable discharge, or its equivalent, from such service;

~~(6)~~ (10) Veteran of the Persian Gulf War shall mean a person who served on active duty in the armed forces of the United States beginning on August 2, 1990, and ending on the date thereafter prescribed by presidential proclamation or by law, and who received an honorable discharge, or its equivalent, from such service or who, being a citizen of the United States at the time of his or her entry into such service, served with the military forces of any government allied with the United States in that war and who received an honorable discharge, or its equivalent, from such service;

~~(7) Veteran of the Spanish-American War shall mean a person who served on active duty in the armed forces of the United States between April 21, 1898, and July 4, 1902, and received an honorable discharge, or its equivalent, from such service or who, being a citizen of the United States at the time of his or her entry into such service, served with the military forces of any government allied with the United States in that war;~~

~~(8)~~ (11) Active duty shall mean full-time duty in the armed forces other than active duty for training; and

~~(9)~~ (12) Active duty for training shall mean full-time duty in the armed forces performed by reserves for training purposes.

Sec. 5. That original section 44-4233, Reissue Revised Statutes of Nebraska, 1943, and sections 44-4228 and 80-401.01, Revised Statutes Supplement, 1991, are repealed.

Sec. 6. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

Mr. Beutler asked unanimous consent to print the following amendment to LB 1257A in the Journal. No objections. So ordered.

AM4171

1. Insert the following new section:

"Sec. 3. There is hereby appropriated (1) $303,174 from the General Fund for FY1992-93 and (2) $465,639 from the General Fund for FY1993-94 to the Department of Environmental Quality, for Program 513, to aid in carrying out the provisions of Legislative Bill 1257, Ninety-second Legislature, Second Session, 1992.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $79,895 for FY1992-93 or $156,349 for FY1993-94.".

Mrs. Bohlke asked unanimous consent to print the following amendment to LB 1257 in the Journal. No objections. So ordered.

AM4039

(Amendments to E & R amendments, AM5281)

1. Insert the following new sections:

"Sec. 74. That section 81-1602, Revised Statutes Supplement, 1990, be amended to read as follows:

81-1602. The State Energy Office shall have the following duties:

(1) To serve as or assist in developing and coordinating a central repository within state government for the collection of data on energy;

(2) To undertake a continuing assessment of the trends in the availability, consumption, and

development of all forms of energy;

(3) To collect and analyze data relating to present and future demands and resources for all sources of energy and to specify energy needs for the state;

(4) To recommend to the Governor and the Legislature energy policies and conservation measures for the state and to carry out such measures as are adopted;

(5) To provide for public dissemination of appropriate information on energy, energy sources, and energy conservation;

(6) To accept, expend, or ~~dispense~~ disburse funds, public or private, made available to it for research studies, demonstration projects, or other activities which are related either to energy conservation or development;

(7) To study the impact and relationship of state energy policies to national and regional energy policies and engage in such activities as will reasonably insure that the State of Nebraska and its citizens receive an equitable share of energy supplies, including the administration of any ~~federal-~~ federally mandated or state-mandated energy allocation programs;

(8) To actively seek the advice of the citizens of Nebraska regarding energy policies and programs;

(9) To prepare emergency allocation plans suggesting to the Governor actions to be taken in the event of serious shortages of energy;

(10) To design a state program for conservation of energy;

(11) To provide technical assistance to local subdivisions of government; and

(12) To provide technical assistance to private persons desiring information on energy conservation techniques and the use of renewable energy technologies. ~~; and~~

~~(13) To administer and implement the State Government Recycling Management Act.~~

Sec. 75. That section 81-1645, Revised Statutes Supplement, 1990, be amended to read as follows:

~~81-1645.~~ A program for the collection for recycling and sale of state government refuse shall be designed and implemented by the ~~State Energy Office~~

Department of Administrative Services in all state-operated buildings.

Sec. 76. That section 81-1646, Revised Statutes Supplement, 1990, be amended to read as follows:

~~81-1646.~~ The ~~State Energy Office~~ Department of Administrative Services shall obtain pricing information and shall contract to sell recyclable state government refuse for the best terms available in the marketplace. If the ~~office~~ department is unable to locate a purchaser for the refuse or such sale would not be in the best economic interests of the state and the ~~office~~ department is unable to locate a nonpaying contractee to recycle the refuse, the ~~office~~ department shall make such other disposition of the refuse as is most practical and in the best interests of the state.

Sec. 77. That section 81-1647, Revised Statutes Supplement, 1991, be amended to read as follows:

~~81-1647.~~ All proceeds from the program required by section ~~81-1645~~ 75 of this act and fifteen percent of all proceeds from the sale of surplus property sold to be remanufactured or reprocessed shall be deposited in the Resource Recovery Fund, which fund is hereby created. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276. The fund shall be used for the administration and implementation of the program. Any excess funds, as determined by the Director of ~~the State Energy Office~~ Administrative Services, not necessary for implementation of the program shall be remitted to the State Treasurer for credit to the General Fund.

Sec. 78. That section 81-1648, Revised Statutes Supplement, 1990, be amended to read as follows:

~~81-1648.~~ The ~~State Energy Office~~ Department of Administrative Services may adopt and promulgate all rules and regulations necessary to carry out the State Government Recycling Management Act.

Sec. 80. Sections 74 to 81 of this act shall become operative on July 1, 1992. Section 83 of this act shall become operative on its effective date. The other sections of this act shall become operative three months after adjournment of this legislative session.

Sec. 81. That original sections 81-1602, 81-1645, 81-1646, and 81-1648, Revised Statutes Supplement, 1990, and section 81-1647, Revised Statutes Supplement, 1991, and also Laws 1991, LB 429A, section 1, are repealed.

Sec. 83. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. Renumber the remaining sections accordingly.

Mrs. Bohlke asked unanimous consent to print the following amendment to LB 1257A in the Journal. No objections. So ordered.

AM4040

1. Insert the following new sections:

"Sec. 3. There is hereby appropriated (1) $39,640 from the Resource Recovery Fund for FY1992-93 and (2) $39,640 from the Resource Recovery Fund for FY1993-94 to the Department of Administrative Services, for Program 171, to aid in carrying out the provisions of Legislative Bill 1257, Ninety-second Legislature, Second Session, 1992.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $30,000 for FY1992-93 or $30,000 for FY1993-94.

Sec. 4. The Resource Recovery Fund appropriation for FY1992-93 to the Governor's Policy Research Office, Program 106, is hereby reduced by $18,640.

Sec. 5. Sections 3 and 4 of this act shall become operative on July 1, 1992. Section 6 of this act shall become operative on its effective date. The other sections of this act shall become operative three months after the adjournment of this legislative session.

Sec. 6. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

SELECT FILE

LEGISLATIVE BILL 291. Mr. Lindsay offered the following amendment to the Kristensen pending amendment:
FA383

Amend AM3915 to LB 291 12 follows:

1. On page 15, line 17 strike ",breath, or urine".
2. On page 16, line 15, strike "or" and on line 16 strike "breath"
3. On page 17, line 12, strike beginning with "a" through the comma in line 13 and insert "the chemical test of his or her blood".
4. On page 18, line 22 strike "chemical" and insert "blood".
5. On page 19, line 3, strike "chemical" and insert "blood".
6. On page 21, line 22, strike ", breath or urine".
7. On page 22, strike "chemical" and insert "blood" on line 10.
8. On page 22, line 12, strike "chemical" and insert "blood".
9. On page 22, line 22, strike "chemical" and insert "blood".
10. On page 24, lines 2 and three, strike beginning with ", breath, or urine"
11. On page 24, line 5, strike "chemical" and insert "blood".

Mr. Ashford asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Beyer moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Lindsay requested a record vote on his amendment.

Voting in the affirmative, 18:

Baack
Bernard-Stevens
Bohlke
Chambers
Conway
Coordsen
Dierks
Hall
Landis
Lindsay
Lynch
Nelson
Rasmussen
Robak
Schellpeper
Schimek
Schmit
Wesely

Voting in the negative, 17:

Beutler
Beyer
Byars
Crosby
Elmer
Hillman
Horgan
Johnson, L.
Kristensen
Peterson
Pirsch
Robinson
Rogers
Schrock
Warner
Wehrbein
Wickersham

Present and not voting, 5:

Cudaback
Hartnett
Lamb
Moore
Withem

Excused and not voting, 9:

Abboud
Ashford
Chizek
Haberman
Hefner
Johnson, R.
Labedz
Morrissey
Will

The Lindsay amendment lost with 18 ayes, 17 nays, 5 present and not voting, and 9 excused and not voting.

Mr. Lindsay requested a record vote on the Kristensen pending amendment, AM3915.

Voting in the affirmative, 28:

Beutler
Beyer
Bohlke
Byars
Conway
Crosby
Cudaback
Dierks
Elmer
Hartnett
Hillman
Horgan
Johnson, L.
Kristensen
Lamb
Moore
Nelson
Peterson
Pirsch
Robinson
Rogers
Schimek
Schmit
Schrock
Warner
Wehrbein
Wesely
Wickersham

Voting in the negative, 9:

Baack
Bernard-Stevens
Chambers
Coordsen
Hall
Landis
Lindsay
Robak
Schellpeper

Present and not voting, 3:

Lynch
Rasmussen
Withem

Excused and not voting, 9:

Abboud
Ashford
Chizek
Haberman
Hefner
Johnson, R.
Labedz
Morrissey
Will

The Kristensen amendment was adopted with 28 ayes, 9 nays, 3 present and not voting, and 9 excused and not voting.

MR. WARNER PRESIDING

Mrs. Crosby moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Lindsay requested a machine vote on the advancement of the bill.

Advanced to E & R for engrossment with 28 ayes, 12 nays, 2 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 291A. Advanced to E & R for engrossment.

UNANIMOUS CONSENT - Add Cointroducer

Mr. Kristensen asked unanimous consent to have his name added as cointroducer to LB 291. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 1257 in the Journal. No objections. So ordered.

AM4176

(Amendments to E & R Amendments, AM5281)

1. Insert the following new section:

"Sec. 50. That section 18-2528, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

18-2528. (1) The following measures shall not be subject to referendum or limited referendum:

(a) Measures necessary to carry out contractual obligations, including, but not limited to, those relating to the issuance of or provided for in bonds, notes, warrants, or other evidences of indebtedness, for projects previously approved by a measure which was, or is, subject to referendum or limited referendum or previously approved by a measure adopted prior to July 17, 1982;

(b) Measures relating to any industrial development projects, subsequent to measures giving initial approval to such projects;

(c) Measures adopting proposed budget statements following compliance with procedures set forth in the Nebraska Budget Act;

(d) Measures relating to the immediate preservation of the public peace, health, or safety which have been designated as urgent measures by unanimous vote of those present and voting of the municipal subdivision's governing body and approved by its executive officer;

(e) Measures relating to projects for which notice has been given as provided for in subsection (4) of this section and for which a sufficient referendum petition was not filed within the time limit stated in such notice or which received voter approval after the filing of such petition;

(f) Resolutions directing the city clerk to cause measures to be submitted to a vote of the people at a special election as provided in sections 18-2524 and 18-2529; ~~and~~

(g) Resolutions ordering an earlier effective date for measures enacted by initiative as provided in section 18-2526; and

(h) Measures relating to any facility or system adopted or enacted pursuant to the Integrated Solid Waste Management Act by municipalities and which are necessary to carry out contractual obligations provided for in previously issued bonds, notes, warrants, or other evidence of indebtedness.

(2) The following measures shall be subject to limited referendum:

(a) Measures in furtherance of a policy of the municipal subdivision or relating to projects previously approved by a measure which was subject to referendum or which was enacted by initiative or has been approved by the voters at an election, except that such measures shall not be subject to referendum or limited referendum for a period of one year after any such policy or project was approved at a referendum election, enacted by initiative, or approved by the voters at an election;

(b) Measures relating to the acquisition, construction, installation, improvement, or enlargement, including the financing or refinancing of the costs, of public ways, public property, utility systems, and other capital projects and measures giving initial approval for industrial development projects; ~~and~~

(c) Measures setting utility system rates and charges, except for measures necessary to carry out contractual obligations provided for in previously issued bonds, notes, warrants, or other evidences of indebtedness, and pay rates and salaries for municipal subdivision employees other than the members of the governing body and the executive officer; and

(d) Measures relating to any facility or system adopted or enacted pursuant to the Integrated Solid Waste Management Act by municipalities except for measures necessary to carry out contractual obligations provided for in previously issued bonds, notes, warrants, or other evidence of indebtedness.

(3) Measures subject to limited referendum

shall ordinarily take effect thirty days after their passage by the governing body, including an override of any veto, if necessary. Referendum petitions directed at measures subject to limited referendum shall be filed for signature verification pursuant to section 18-2518 within thirty days after such measure's passage by the governing body, including an override of any veto, if necessary, or after notice is first published pursuant to subdivision (4)(c) of this section. If the necessary number of signatures as provided in section 18-2529 or 18-2530 has been obtained within the time limitation, the effectiveness of the measure shall be suspended unless approved by the voters.

(4) For any measure relating to the acquisition, construction, installation, improvement, or enlargement of public ways, public property, utility systems, or other capital projects or any measure relating to any facility or system adopted or enacted pursuant to the Integrated Solid Waste Management Act, a municipality may exempt all subsequent measures relating to the same project from the referendum and limited referendum procedures provided for in sections 14-201, 14-204, 15-301, 16-302.01, 16-6,108, 18-2501 to 18-2537, 32-513, 32-713.01, and 71-3305 by the following procedure:

(a) By holding a public hearing on the project, the time and place of such hearing being published at least once not less than five days prior to the date set for hearing in a newspaper of general circulation within the governing body's jurisdiction;

(b) By passage of a measure approving the project, including an override of a veto if necessary, at a meeting held on any date subsequent to the date of hearing; and

(c) After passage of such measure, including an override of a veto if necessary, by giving notice as follows: (i) For those projects for which applicable statutes require an ordinance or resolution of necessity, creating a district or otherwise establishing the project, notice shall be given for such project by including either as part of such ordinance or resolution or as part of any publicized notice concerning such ordinance or resolution a statement that the project as described in the ordinance or resolution is subject to limited referendum for a period of thirty days after the first publication of such notice and that, after such thirty-day period, the project and measures related to it will not be subject to any further right of referendum; and (ii) for projects for which applicable statutes do not require an ordinance or resolution of necessity, notice shall be given by publication of a notice concerning such projects stating in general terms the nature of the project and the engineer's estimate of costs of such project and stating that the project described in the notice is subject to limited referendum for a period of thirty days after the first publication of such notice and that, after such thirty-day period, the project and measures related to it will not be subject to any further right of referendum. The notice required by subdivision (c)(ii) of this subsection shall be published in at least one newspaper of general circulation within the municipal subdivision and shall be published not later than fifteen days after passage by the governing body, including an override of a veto, if necessary, of a measure approving the project.

The right of a municipal subdivision to hold such a hearing prior to passage of the measure by the governing body and give such notice after passage of such measure by the governing body to obtain exemption for any particular project in a manner described in this subsection is optional and no municipal subdivision shall be required to hold such a hearing or give such notice for any particular project.

(5) All measures, except as provided in subsections (1), (2), and (4) of this section, shall be subject to the referendum procedure at any time after such measure has been passed by the governing body, including an override of a veto, if necessary, or enacted by the voters by initiative.".

2. On page 11, line 3, after the period insert:

"Measures adopted or enacted by municipalities with respect to any facility or system shall constitute measures subject to limited referendum under subsection (2) of section 18-2528, and a municipality shall be authorized to exempt all subsequent measures relating to the same project from referendum and limited referendum as provided under subsection (4) of such section 18-2528.".

3. On page 160, line 20; and page 161, line

13, before "19-2111" insert "18-2528,".

4. Renumber the remaining sections accordingly.

Mr. Lindsay asked unanimous consent to print the following amendment to LB 142A in the Journal. No objections. So ordered.

AM4164

(Amendments to Final Reading copy)

1. Strike the original sections and insert the following new sections:

"Section 1. That section 84-1409, Revised Statutes Supplement, 1990, be amended to read as follows:

84-1409. For purposes of sections 84-1408 to 84-1414, unless the context otherwise requires:

(1) Public body shall mean (a) governing bodies of all political subdivisions of the State of Nebraska, (b) governing bodies of all agencies, now or hereafter created by the Constitution of Nebraska, statute, or otherwise pursuant to law, of the executive department of the State of Nebraska, (c) all independent boards, commissions, bureaus, committees, councils, subunits, or any other bodies, now or hereafter created by the Constitution of Nebraska, statute, or otherwise pursuant to law, (d) the Certificate of Need Review Committee, (e) all study or advisory committees of the executive department of the State of Nebraska whether having continuing existence or appointed as special committees with limited existence, (f) advisory committees of the bodies referred to in subdivisions (a), (b), and (c) of this subdivision, and (g) instrumentalities exercising essentially public functions. Sections 84-1408 to 84-1414 shall not apply to subcommittees of such bodies unless a quorum of the public body attends a subcommittee meeting or unless such subcommittees are holding hearings, making policy, or taking formal action on behalf of their parent body nor shall such sections apply to judicial proceedings unless a court or other judicial body is exercising rulemaking authority, deliberating, or deciding upon the issuance of administrative orders; and

(2) Meeting shall mean all regular, special, or called meetings, formal or informal, of any public body for the purposes of briefing, discussion of public

business, formation of tentative policy, or the taking of any action of the public body.

Sec. 2. That section 84-1410, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-1410. (1) Any public body may hold a closed session by the affirmative vote of a majority of its voting members if a closed session is clearly necessary for the protection of the public interest or for the prevention of needless injury to the reputation of an individual and if such individual has not requested a public meeting. Closed sessions may be held for, but shall not be limited to, such reasons as:

(a) Strategy sessions with respect to collective bargaining, real estate purchases, pending litigation, or litigation which is imminent as evidenced by communication of a claim or threat of litigation to or by the public body;

(b) Discussion regarding deployment of security personnel or devices;

(c) Investigative proceedings regarding allegations of criminal misconduct; or

(d) Evaluation of the job performance of a person when necessary to prevent needless injury to the reputation of a person and if such person has not requested a public meeting.

Nothing in this section shall permit a closed meeting for discussion of the appointment or election of a new member to any public body.

(2) The vote to hold a closed session shall be taken in open session. The vote of each member on the question of holding a closed session, the reason for the closed session, and the time when the closed session commenced and concluded shall be recorded in the minutes. The public body holding such a closed session shall restrict its consideration of matters during the closed portions to only those purposes set forth in the minutes as the reason for the closed session. The meeting shall be reconvened in open session before any formal action may be taken. For purposes of this section, formal action shall mean a collective decision or a collective commitment or promise to make a decision on any question, motion, proposal, resolution, order, or ordinance or formation of a position or policy.

(3) Any member of any public body shall have

the right to challenge the continuation of a closed session if the member determines that the session has exceeded the reason stated in the original motion to hold a closed session or if the member contends that the closed session is neither clearly necessary for (a) the protection of the public interest or (b) the prevention of needless injury to the reputation of an individual. Such challenge shall be overruled only by a majority vote of the members of the public body. Such challenge and its disposition shall be recorded in the minutes.

(4) Nothing in this section shall be construed to require that any meeting be closed to the public. No person or public body shall fail to invite a portion of its members to a meeting, and no ~~nor shall a~~ public body shall designate itself a subcommittee of the whole body for the purpose of circumventing sections 79-327, 84-1408 to 84-1414, or 85-104. No ~~, nor shall any~~ closed session, informal meeting, chance meeting, social gathering, or electronic communication shall be used for the purpose of circumventing the requirements of such sections. ~~79-327, 84-1408 to 84-1414, or 85-104.~~

(5) ~~Sections 79-327, 84-1408 to 84-1414, and 85-104~~ Such sections shall not apply to chance meetings or to attendance at or travel to conventions or workshops of members of a public body at which there is no meeting of the body then intentionally convened, if there is no vote or other action taken regarding any matter over which the public body has supervision, control, jurisdiction, or advisory power.

Sec. 3. That section 84-1414, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-1414. (1) Any motion, resolution, rule, regulation, ordinance, or formal action of a public body made or taken in violation of ~~the provisions of~~ sections 79-327, 84-1408 to ~~84-1413~~ 84-1414, and 85-104 shall be declared void by the district court if the suit is commenced within one hundred twenty days of the meeting of the public body at which the alleged violation occurred. Any motion, resolution, rule, regulation, ordinance, or formal action of a public body made or taken in substantial violation of such sections ~~79-327, 84-1408 to 84-1413, and 85-104~~ shall be voidable by the district court if the suit is commenced ~~after~~ more than one hundred twenty days after but within one year of the meeting of the public body in which the alleged violation occurred. A suit to void any final action shall be commenced within one year of the action.

(2) The Attorney General and the county attorney of the county in which the public body ordinarily meets shall enforce ~~the provisions of~~ such sections. ~~79-327, 84-1408 to 84-1414, and 85-104.~~

(3) Any citizen of this state may commence a suit in the district court of the county in which the public body ordinarily meets or in which the plaintiff resides for the purpose of requiring compliance with or preventing violations of such sections, ~~79-327, 84-1408 to 84-1414, and 85-104,~~ for the purpose of declaring an action of a public body void, or for the purpose of determining the applicability of such sections ~~79-327, 84-1408 to 84-1414, and 85-104~~ to discussions or decisions of the public body. The court may order payment of reasonable ~~attorney~~ attorney's fees and court costs to a successful plaintiff in a suit brought under this section.

(4) Any member of a public body who knowingly ~~violating or conspiring~~ violates or conspires to violate or who knowingly attends or remains at a meeting which is in violation of any provision of sections 79-327, 84-1408 to 84-1414, and 85-104 shall be guilty of a Class ~~V~~ IV misdemeanor for a first offense and a Class III misdemeanor for a second or subsequent offense.

Sec. 4. That original sections 84-1410 and 84-1414, Reissue Revised Statutes of Nebraska, 1943, and section 84-1409, Revised Statutes Supplement, 1990, are repealed.".

2. On page 1, strike beginning with "appropriations" in line 1 through line 4 and insert "public meetings; to amend sections 84-1410 and 84-1414, Reissue Revised Statutes of Nebraska, 1943, and section 84-1409, Revised Statutes Supplement, 1990; to change an exemption from public meetings requirements; to change provisions relating to permissible reasons for a public body to conduct a closed session; to define a term; to change a provision relating to certain prohibited acts as prescribed; to provide and change penalties; and to repeal the original sections.".

Mr. Beutler asked unanimous consent to print the following amendment to LB 988 in the Journal. No objections. So ordered.

AM4182

1. On page 14, line 16, after the period insert "If the committee decides to undertake a program evaluation, the committee shall immediately appoint the chairperson of the standing committee of the Legislature with the most direct concern with the agency, institution, or program being evaluated as a committee member with full voting rights for purposes of the specific program evaluation for which he or she was appointed.".

VISITORS

Visitors to the Chamber were 40 fourth grade students and teacher from Filley; 40 fourth grade students and sponsors from Adams Elementary, Omaha; 13 sixth through eighth grade students and teacher from District 82, Pender; ten sixth through eighth grade students and teacher from District 3, Columbus; Dr. Socorro Reyes from the Philippines; and 23 sophomores and teacher from Platte Valley Academy, Shelton.

The Doctor of the Day was Mark Ptacek from O'Neill.

ADJOURNMENT

At 10:07 p.m., on a motion by Mr. Elmer, the Legislature adjourned until 9:00 a.m., Wednesday, April 8, 1992.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-SEVENTH DAY - APRIL 8, 1992

LEGISLATIVE JOURNAL

NINETY-SECOND LEGISLATURE
SECOND SESSION

FIFTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 8, 1992

Pursuant to adjournment, the Legislature met at 9:03 a.m., Speaker Baack presiding.

PRAYER

The prayer was offered by Rev. Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Mrs. Labedz who was excused; and Messrs. Abboud, Ashford, Conway, Haberman, Hall, Kristensen, Moore, Schmit, and Mrs. Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-sixth day was approved.

RESOLUTION

LEGISLATIVE RESOLUTION 429. Read. Considered.

LR 429 was adopted with 25 ayes, 0 nays, and 24 not voting.

GENERAL FILE

LEGISLATIVE BILL 1184A. Title read. Considered.

Mrs. Rasmussen offered the following amendment:
AM4172

1. Strike original section 1 and insert the following new section:

"Section 1. There is hereby appropriated (1) $8,369 from the General Fund for FY1992-93 and (2) $8,369 from the General Fund for FY1993-94 to the Supreme Court, for Program 52, to aid in carrying out the provisions of Legislative Bill 1184, Ninety-second Legislature, Second Session, 1992.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.".

The Rasmussen amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Mrs. Rasmussen withdrew her pending motion, found in the Journal on page 1958, to withdraw LB 1184A.

Advanced to E & R for review with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

UNANIMOUS CONSENT - Members Excused

Messrs. Horgan and Withem asked unanimous consent to be excused until they return. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1138.

A BILL FOR AN ACT relating to emergency medical services; to amend sections 23-1821, 71-5101, 71-5102, 71-5105, 71-5108, 71-5109, 71-5110, 71-5111, 71-5113, 71-5115, 71-5116, 71-5119, 71-5120, 71-5124, 71-5125, 71-5127 to 71-5132, 71-5134 to 71-5137, 71-5139, and 71-5140, Reissue Revised Statutes of Nebraska, 1943, and section 71-507, Revised Statutes Supplement, 1991; to adopt the First Responders Emergency Rescue Act; to provide duties for first responders; to define and redefine terms; to provide for credentialing for first responders-A/D, first responder-A/D services, emergency medical technicians-AM, emergency medical technician-AM services, emergency medical technicians-IV, and emergency medical technician-IV services; to provide for approval for instructors; to change membership provisions for the Board of Ambulance Advisors; to change provisions for credentialing ambulance attendants, emergency medical technicians-A/D, and emergency medical technician-A/D services; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Ashford
Baack
Bernard-Stevens
Beyer
Bohlke
Chizek
Conway
Coordsen
Crosby
Cudaback
Dierks
Elmer
Haberman
Hartnett
Hefner
Hillman
Johnson, L.
Lamb
Landis
Lindsay
Lynch
Moore
Morrissey
Nelson
Peterson
Pirsch
Rasmussen
Robak
Robinson
Rogers
Schellpeper
Schimek
Schmit
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will

Voting in the negative, 0.

Present and not voting, 4:

Beutler
Byars
Chambers
Johnson, R.

Excused and not voting, 6:

Abboud
Hall
Horgan
Kristensen
Labedz
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1138A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1138, Ninety-second Legislature, Second Session, 1992.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Ashford
Baack
Bernard-Stevens
Beyer
Bohlke
Chizek
Conway
Coordsen
Crosby
Cudaback
Dierks
Elmer
Haberman
Hartnett
Hefner
Hillman
Johnson, L.
Lamb
Landis
Lindsay
Lynch
Moore
Morrissey
Nelson
Peterson
Pirsch
Rasmussen
Robak
Robinson
Rogers
Schellpeper
Schimek
Schmit
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will

Voting in the negative, 0.

Present and not voting, 4:

Beutler
Byars
Chambers
Johnson, R.

Excused and not voting, 6:

Abboud
Hall
Horgan
Kristensen
Labedz
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 1019 in the Journal. No objections. So ordered.

AM4142

(Amendments to E & R amendments, AM5293)

1. Insert the following new sections:

"Sec. 40. That section 71-1,107.30, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,107.30. A physician assistant shall not prescribe medications except as an agent of the supervising physician. A physician assistant may prescribe medications~~, except Schedule II controlled substances,~~ in the name of the supervising physician if the authority has been assigned by the supervising physician. The prescription container label shall bear the name of the supervising physician and may also bear the name of the physician assistant. A physician assistant may prescribe a seventy-two-hour maximum supply of Schedule II controlled substances used for pain control in the name of the supervising physician if such authority has been assigned by the supervising physician. When prescribing Schedule II controlled substances, the prescription container label shall bear all information required by the federal Controlled Substances Act of 1970.

Sec. 41. That section 71-1,132.05, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,132.05. ~~As used in~~ For purposes of sections 71-1,132.04 to 71-1,132.41, unless the context otherwise requires:

(1) Executive secretary shall mean the executive secretary of the Board of Nursing;

(2) Board shall mean the Board of Nursing;

(3) The practice of nursing shall mean the performance for compensation or gratuitously of any act expressing judgment or skill based upon a systematized body of nursing knowledge. Such acts shall include the identification of and intervention in actual or potential health problems of individuals or groups, which ~~. These~~ acts are directed toward maintaining health status, preventing illness, injury, or infirmity, improving health status, and providing care supportive to or restorative of life and well-being through nursing assessment and through the execution of nursing care~~;~~ and ~~through the execution~~ of diagnostic or therapeutic regimens of duly licensed practitioners authorized to so order such regimens under sections 71-173, 71-183, 71-1,102, and 71-1,137;

(4) The practice of nursing by a registered nurse shall mean assuming responsibility and accountability for ~~those~~ nursing actions which include, but are not limited to:

(a) Identifying human responses to actual or potential health conditions;

(b) Deriving a nursing diagnosis which identifies the needs of an individual, family, or group;

(c) Executing a nursing treatment regimen through the selection, performance, and management of proper nursing practices;

(d) Teaching health care practices;

(e) Advocating the provision of health care services through collaboration with other health service personnel;

(f) Executing diagnostic and therapeutic regimens prescribed by duly licensed practitioners authorized to so order such regimens under sections 71-173, 71-183, 71-1,102, and 71-1,137; or

(g) Administering, supervising, delegating, and evaluating nursing activities;

(5) The practice of nursing by a licensed practical nurse shall mean the assumption of responsibilities and the performing of acts, within the educational background of the practical nurse, under the direction of a licensed physician, dentist, osteopathic physician, podiatrist, or registered nurse, which ~~.~~ ~~Such~~ acts include:

(a) Application of nursing techniques and procedures in the observation, teaching, and caring for the ill, injured, and infirm; and

(b) Promoting community health;

(6) Department shall mean the Department of Health; ~~and~~

(7) Director shall mean the Director of Health; and

(8) Clinical nurse specialist shall mean a registered nurse licensed in Nebraska who holds a master's degree or a doctoral degree in a nursing clinical specialty area.

Sec. 42. That section 71-1,132.18, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,132.18. Any person who holds a license to practice as a registered professional nurse in this state shall have the right to use the title Registered Nurse and the abbreviation R.N. No other person shall assume or use such title or abbreviation. No person shall use the title Clinical Nurse Specialist unless he or she is a clinical nurse specialist as defined in section 71-1,132.05.".

2. Amend the operative date and repealer sections so the sections added by this amendment become operative on their effective date.

3. Renumber the remaining sections and correct internal references accordingly.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 1138 and 1138A.

SELECT FILE

LEGISLATIVE BILL 719. Mr. Lamb renewed his pending amendment, FA356, found in the Journal on page 1866.

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Cudaback moved the previous question. The question is, "Shall the debate now close?"

Mr. Cudaback moved for a call of the house. The motion prevailed with 21 ayes, 1 nay, and 27 not voting.

The Chair called for a roll call vote on the motion to cease debate.

Voting in the affirmative, 18:

Beutler
Cudaback
Hefner
Hillman
Johnson, L.
Johnson, R.
Kristensen
Lamb
Landis
Nelson
Robak
Rogers
Schellpeper
Schimek
Schrock
Warner
Wesely
Wickersham

Voting in the negative, 14:

Ashford
Byars
Chambers
Coordsen
Crosby
Haberman
Horgan
Moore
Morrissey
Rasmussen
Robinson
Schmit
Wehrbein
Will

Present and not voting, 13:

Baack
Bernard-Stevens
Beyer
Bohlke
Chizek
Conway
Elmer
Hartnett
Lindsay
Lynch
Peterson
Pirsch
Withem

Excused and not voting, 4:

Abboud
Dierks
Hall
Labedz

The motion to cease debate lost with 18 ayes, 14 nays, 13 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

MR. CONWAY PRESIDING

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion lost with 21 ayes, 11 nays, and 17 not voting.

SPEAKER BAACK PRESIDING

Mr. Morrissey moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Haberman requested a record vote on the Lamb amendment.

Voting in the affirmative, 28:

Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Chizek
Conway
Crosby
Cudaback
Elmer
Hartnett
Hillman
Horgan
Johnson, L.
Johnson, R.
Kristensen
Lamb
Morrissey
Robak
Rogers
Schimek
Schmit
Schrock
Warner
Wehrbein
Wesely
Wickersham
Withem

Voting in the negative, 13:

Ashford
Byars
Haberman
Hefner
Landis
Lindsay
Moore
Nelson
Pirsch
Rasmussen
Robinson
Schellpeper
Will

Present and not voting, 3:

Chambers
Dierks
Peterson

Excused and not voting, 5:

Abboud
Coordsen
Hall
Labedz
Lynch

The Lamb amendment was adopted with 28 ayes, 13 nays, 3 present and not voting, and 5 excused and not voting.

Mr. Wickersham withdrew his pending amendment, AM3891, found in the Journal on page 1833.

Messrs. Warner and Dierks withdrew their pending amendment, AM3912, on file in the Clerk's Office and referred to in the Journal on page 1850.

Mr. Conway offered the following amendment:
AM3932

1. Strike the original sections and the Lamb amendment, AM2286, and insert the following new sections:

"Section 1. That section 79-3505, Revised Statutes Supplement, 1991, be amended to read as follows:

79-3505. (1) Each provider shall certify to the department each year (a) the number of full-time equivalent teachers employed by the provider for the school year and (b) the weighted number of full-time equivalent teachers based on the weighted values found in subsection (2) of this section.

(2) In calculating the weighted number of full-time equivalent teachers, the following values shall be used:

(a) A full-time equivalent teacher with a bachelor's degree shall be counted as one full-time equivalent teacher; and

(b) A full-time equivalent teacher with a master's degree shall be counted as one and one-fifth full-time equivalent teachers.

(3) The department shall compute each provider's dollar share of program funds using the formula provided in subsection (4) of this section and data certified by the provider for the preceding school year and shall provide such information to the State Treasurer.

(4) The State Treasurer shall distribute an amount to providers in the same proportion as their weighted number of full-time equivalent teachers bears to the weighted number of full-time equivalent teachers in the state as a whole employed by providers which have submitted the information as required by this section.

~~All~~ Until January 1, 1993, all of the first fifteen million dollars appropriated and two-thirds of the amount in excess of twenty million dollars appropriated for distribution pursuant to the Help Education Lead to Prosperity Act shall be used only for purposes of providing general salary increases which are bargained for together with other salary increases and benefit changes at the local level and for paying the employer's share of federal social security and retirement benefit payments on such salary increases.

On and after January 1, 1993, all funds deposited in the Educational Excellence Fund shall be used only for purposes of providing general salary increases and benefit changes at the local level and for paying the employee's share of federal social security and retirement benefit payments on such salary increases. Each year the provider shall distribute all funds received under this section, and the distribution of such funds by the provider shall be in equal amounts to all full-time equivalent teachers employed by the provider.

Sec. 2. That original section 79-3505, Revised Statutes Supplement, 1991, is repealed.".

Messrs. Haberman, Dierks, Byars, Moore, and Cudaback asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

EXPLANATIONS OF VOTES

Had I been present, I would have voted yes on the advancement of LB 291.

(Signed) Elroy Hefner

Had I been present, I would have voted yes on LB 1138 and LB 1138A.

(Signed) Doug Kristensen

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 8, 1992, at 10:35 a.m., were the following bills: 1138 and 1138A.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

RESOLUTIONS

LEGISLATIVE RESOLUTION 432. Introduced by Robinson, 16.

WHEREAS, Janet Kruse was a recipient of the Today's Top Six Award in 1991, an NCAA award based on academic and athletic achievement, character, and leadership that is given annually to the top six student athletes in the NCAA; and

WHEREAS, Janet Kruse played volleyball at the University of Nebraska where she was named a three-time All-American and was named the 1990 GTE academic All-American player of the year; and

WHEREAS, Janet Kruse has compiled a 3.89 grade point average at the University of Nebraska while majoring in biological science and intends to attend medical school upon her graduation; and

WHEREAS, Janet Kruse attended Blair High School where she was a two-time All-State Volleyball player, an All-State Basketball player, a Gold Medalist in the State Track Meet in the high jump event, and, most importantly, finished scholastically in the top five percent of her high school class; and

WHEREAS, the many athletic and academic achievements of Janet Kruse were recently recognized by Sports Illustrated magazine; and

WHEREAS, Janet Kruse is one of the most outstanding student athletes ever to come out of Nebraska and all Nebraskans should be proud of and inspired by her hard work and all of her outstanding accomplishments.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature hereby salutes and congratulates Janet Kruse on her accomplishments, both academically and athletically, and wishes her luck in her future endeavors.
2. That a copy of this resolution be sent to Janet Kruse.

Laid over.

LEGISLATIVE RESOLUTION 433. Introduced by Hefner, 19; Rogers, 41.

WHEREAS, the turkey industry is a vital part of Nebraska's agricultural economy; and

WHEREAS, there are many turkey growers in the state, and in 1991 Nebraska produced over two million turkeys, ranking eighteenth in the nation; and

WHEREAS, Nebraska turkey growers market over thirty-seven million pounds annually in national and international markets; and

WHEREAS, there are hundreds of people in the State of Nebraska employed directly or indirectly by the turkey industry; and

WHEREAS, per capita turkey consumption is rapidly rising in the state and in the nation, as more consumers become aware of turkey's naturally healthy characteristics, and use it as an ingredient, not just a meal; and

WHEREAS, thirty years ago, ninety percent of the turkey consumed in this country was during the last two months of the year while today sixty percent of the turkey consumed is during the other ten months of the year; and

WHEREAS, because of high consumer interest in turkey and turkey products, the National Turkey Federation is planning a "JUNE IS FOR TURKEY LOVERS" campaign.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature declares the month of June 1992 as "Turkey Month" throughout the State of Nebraska.
2. That the Legislature salutes the turkey producers and processors of the State of Nebraska and their contribution to the state's agricultural economy.
3. That the Legislature encourages all citizens throughout Nebraska to enjoy this wholesome and delicious Nebraska-grown product in June and throughout the year.

Laid over.

LEGISLATIVE RESOLUTION 434. Introduced by Hefner, 19; Rogers, 41.

WHEREAS, the Incredible Edible Egg is one of nature's marvels. It packs good nutrition, convenience, economy and versatility into one exquisitely simple package; and

WHEREAS, today's egg contains twenty-two percent less cholesterol than previously believed. The fat content of eggs, which has always been low, is even lower than earlier reported; and

WHEREAS, the thousands of eggs produced daily by Nebraska's egg producers have created a successful commodity for Nebraska's agricultural community; and

WHEREAS, Nebraska ranks first in the nation in the production of dried egg products; and

WHEREAS, members of the Nebraska Egg Council believe it is only fitting that recognition be given to the accomplishments of egg producers of the State of Nebraska for contributions to Nebraska's egg agribusiness.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the legislature declares the month of May 1992 as "Egg Month" throughout the State of Nebraska.
2. That the Legislature salutes egg producers of the State of Nebraska and recognizes their contribution to the state's agricultural economy.
3. That the Legislature urges all citizens throughout Nebraska to enjoy this wholesome agricultural product.

Laid over.

LEGISLATIVE RESOLUTION 435. Introduced by Crosby, 29.

WHEREAS, the Nebraska State Education Association was founded one hundred twenty-five years ago at Brownville, Nebraska, by a handful of foresighted educators; and

WHEREAS, the NSEA charged itself with doing all in its power to provide the best possible education for every Nebraska child; and

WHEREAS, the NSEA has long recognized that the well-being of the student is directly affected by the well-being of the teacher; and

WHEREAS, the NSEA has labored diligently for the past century and a quarter to work toward these goals; and

WHEREAS, the NSEA will be celebrating its one hundred twenty-fifty anniversary in 1992.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature salutes NSEA's dedicated and untiring service to Nebraska, its children, and its teachers.
2. That a copy of this resolution be sent to the Nebraska State Education Association.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Cudaback asked unanimous consent to print the following amendment to LB 1092 in the Journal. No objections. So ordered.

AM3757

1. Insert the following new sections:

"Section 1. That section 33-114, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

33-114. Each county treasurer shall receive for and on behalf of the county for services rendered to other governmental subdivisions and agencies, when fees for services rendered by him or her are not otherwise specifically provided, the following fees: (1) On all sums of money collected by him or her for each fiscal year, ~~not over six thousand dollars, ten percent; for all sums over six thousand dollars and not over ten thousand dollars, four percent; on all sums over ten thousand dollars,~~ two percent of the sums so collected; (2) for the collection of all sums of money, general or bonded, of drainage, irrigation, or natural resources districts, one percent of ~~such~~ the sums so collected; (3) for the collection of all sums of money for municipal taxes, general or special, including money for bond sinking fund or bond interest fund and school money, one percent of the sums so collected; and (4) for the collection of all sums of money for special assessments for municipal improvements, one and one-half percent of the sums so collected.

On all sums collected, such percentage shall be allowed but once. In computing the amount collected for the purpose of charging percentage, all sums from whatever fund derived shall be included together, except the school fund. The treasurer shall be paid in the same proportion from the respective funds of the state collected by him or her whether the same be in money or state warrants.

Sec. 23. That section 70-651.04, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

70-651.04. All payments which are based on retail revenue from each incorporated city or village shall be divided and distributed by the county treasurer to that city or village, to the school districts located in that city or village, and to the county in which may be located any such incorporated city or village in the proportion that their respective property tax ~~levies~~ requirements in the preceding year bore to the total of such ~~levies~~ requirements.

Sec. 24. That section 77-1240.01, Reissue Revised Statutes of Nebraska, 1943, as amended by section 107, Legislative Bill 1063, Ninety-second Legislature, Second Session, 1992, be amended to read as follows:

77-1240.01. In addition to the registration fees provided by Chapter 60, article 3, a motor vehicle tax is hereby imposed on motor vehicles, except dealer's vehicles on hand, registered for operation upon the highways of this state except motor vehicles exempt from taxation by section 77-202. The motor vehicle tax shall be in lieu of all personal property taxes to which the motor vehicle would otherwise be subject.

The motor vehicle tax shall be computed annually on the value of the motor vehicle as certified to the county assessor by the Tax Commissioner at a rate equal to the property tax rate for all purposes for the preceding year in the several taxing units of the state in which the motor vehicle has tax situs. The motor vehicle tax shall be computed from the date the title transferred, except that if a vehicle remains unregistered for more than twelve months after the transfer of title, the motor vehicle tax shall be computed from the date of registration.

The motor vehicle tax ~~as thus computed~~ shall be collected annually by the county treasurer at the time of application for and before registration of the motor vehicle each year. The proceeds from the motor vehicle tax shall be allocated to each taxing unit levying taxes on tangible personal property in the county in which the motor vehicle has tax situs in the same proportion that the levy on tangible personal property of such taxing unit bears to the total levy on tangible personal property of all the taxing units in which the motor vehicle is taxed. Any proceeds from the motor vehicle tax collected for years prior to the year of collection shall be allocated based upon the levy of the year of collection.

Sec. 25. That section 77-1704, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-1704. Whenever any person ~~shall pay~~ pays the taxes charged on any property, the treasurer shall enter such payment in his or her books and give a receipt therefor specifying for whom paid, the amount paid, what year paid for, and the property and value thereof on which the same was paid, according to its description in the treasurer's books, in whole or in part of such description as the case may be, and such entry and receipts shall bear the ~~genuine signature~~

county name and the name of the treasurer or his or her deputy receiving such payment. Whenever it ~~shall appear~~ appears that any receipt for the payment of taxes ~~shall be~~ is lost or destroyed, the entry so made may be read in evidence in lieu thereof. The treasurer shall enter the name of the owner~~,~~ or of the person paying the tax~~,~~ opposite each tract or lot of land when he or she collects the tax thereon~~,~~ and the post office address of the person paying the tax. A statement shall be entered by the treasurer on such receipt showing the amount of unpaid taxes and the date of unredeemed tax sales, if any, for the previous year or years upon such land or town lot. If the treasurer ~~shall fail or neglect~~ fails or neglects to note on such receipt, taxes or unredeemed tax sale, as in this section provided, he or she shall be liable on his or her bond to the person injured thereby in the amount of the tax so omitted.

Sec. 26. That section 77-1706, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-1706. All receipts issued by the county treasurer for taxes paid to him or her shall be numbered consecutively, commencing with the number one on the first sheet issued for the taxes for any one year. He or she shall not receipt for more than one year's taxes on the same property in one tax receipt, but shall keep a separate and distinct series of numbers of receipts issued for the taxes of each year for which the same has been levied and assessed. The numbering of the tax receipts shall be done by the county clerk or printer before they are delivered to the county treasurer. They shall be firmly bound in book form and the original~~,~~ and duplicate ~~and triplicate~~ of these receipts shall be attached together as one, and each duplicate ~~and triplicate,~~ of each original receipt~~,~~ shall bear the same number as the original. In counties which shall adopt or have adopted the unit tax ledger, as provided for in section 77-1613, it shall not be necessary to bind the original and duplicate tax receipts together in book form. Such ~~or have triplicate tax receipts; such~~ tax receipts may be prewritten, and the cost of so preparing such tax receipts shall be paid for~~,~~ by the county board of such county~~,~~ out of the county general fund.

Sec. 27. That section 77-2208, Reissue

Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2208. Every county treasurer ~~shall~~ may make ~~out triplicate~~ duplicate receipts for all sums ~~which shall be~~ paid into his or her office, except county treasurers in counties with a population of three hundred thousand or more as determined by the most recent federal decennial census who shall make triplicate receipts for all sums paid into his or her office, which receipts shall show the source from which such funds are derived~~;~~ and, ~~shall,~~ by distinct lines and columns, show the amount received to the credit of each separate fund~~;~~ and whether ~~the same was~~ such sums were paid in cash or warrants, county or road orders, or supervisors' receipts. The county ~~, one of which triplicates the~~ treasurer shall deliver one duplicate to the person making such payment~~, one he shall within six days file with the county clerk, and the third he~~ and shall retain the second in his or her office. A list of such payments may be submitted to the county clerk within thirty days after the closing of the previous month in lieu of a receipt. In counties with a population of three hundred thousand or more as determined by the most recent federal decennial census the county treasurer shall deliver a copy of such payments to the county clerk.

Sec. 29. That original sections 33-114, 70-651.04, 77-1704, 77-1706, and 77-2208, Reissue Revised Statutes of Nebraska, 1943, and section 77-1240.01, Reissue Revised Statutes of Nebraska, 1943, as amended by section 107, Legislative Bill 1063, Ninety-second Legislature, Second Session, 1992, are repealed.".

2. In AM2990:

a. On page 12, lines 7 and 13, strike "11" and insert "12";

b. On page 24, line 22, strike "20" and insert "21"; and in line 24 strike "This" and insert "Sections 2 to 22 and 30 of this"; and

c. On page 25, line 1, after the period insert "The other sections of this act shall become operative on their effective date.".

3. Renumber the remaining sections accordingly.

Mr. Schellpeper asked unanimous consent to print the following amendment to LB 1001 in the Journal. No objections. So ordered.

AM3944

1. Insert the following new section:

"Section 1. That section 10-716.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

10-716.01. Following the affiliation of two or more school districts, bonds may be issued pursuant to sections 10-701 to 10-716 for purposes of capital additions to or improvements or replacement of high school~~, middle school, or junior high school~~ facilities ~~which will be used by Class I district students residing in an affiliated Class I district~~ upon the approval of a majority of all the legal voters of the high school district and affiliated Class I district or districts or portions thereof voting on the issue as a combined voting unit. The bond levy ~~applicable to property within an affiliated Class I district which is~~ necessary to redeem the bonds issued pursuant to this section shall be prorated ~~based on the grade levels of affiliated Class I students who, pursuant to section 79-486, are provided instruction at~~ to reflect projected student utilization of planned facilities based on criteria established by the State Department of Education if the facility will be used by elementary as well as high school students. The pro rata share of the costs of the facility to be assigned to the high school~~, middle school, or junior high facilities which will be used by Class I students residing in an affiliated Class I district~~ program shall be included in the statement required to be filed pursuant to section 10-707.".

2. In the Standing Committee amendment, AM2754:

a. Strike amendments 2 and 3 and insert the following new amendment:

"2. On page 22, line 16, strike '79-1043' and insert '10-716.01, 79-1043,'; and in line 18 strike '79-1044.01,'.".

b. Renumber the remaining amendment accordingly.

3. Renumber the remaining sections accordingly.

Messrs. Hall and Warner asked unanimous consent to print the following amendment to LB 1063A in the Journal. No objections. So ordered.

AM4105

1. Insert the following new sections:

"Sec. 3. There is hereby appropriated (1) $74,599 from the General Fund for FY1992-93 and (2) $63,892 from the General Fund for FY1993-94 to the Department of Revenue, for Program 102.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $50,507 for FY1992-93 or $52,803 for FY1993-94.

Sec. 4. The General Fund appropriation for FY1992-93 to the Legislative Council, for Program 122, is hereby reduced by $44,200.".

2. Renumber the remaining sections accordingly.

Mrs. Rasmussen asked unanimous consent to print the following amendment to LB 1184 in the Journal. No objections. So ordered.

AM4174

(Amendments to E & R amendments, AM5283)

1. Insert the following new sections:

"Sec. 5. Sections 1 to 4 of this act shall become operative one year after the effective date of this act, except that the creation and appointment of the child abuse and neglect investigation and treatment teams and the development of protocols shall be made as soon after the effective date of this act as possible.

Sec. 8. That section 28-710, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-710. ~~As used in~~ For purposes of sections 28-710 to 28-727, unless the context otherwise requires:

(1) Department shall mean the Department of Social Services;

(2) Law enforcement agency shall mean the police department or town marshal in incorporated municipalities, ~~and~~ the office of the sheriff in unincorporated areas, and the Nebraska State Patrol"; and

(3) Abuse or neglect shall mean knowingly, intentionally, or negligently causing or permitting a

minor child to be: (a) Placed in a situation that endangers his or her life or physical or mental health; (b) cruelly confined or cruelly punished; (c) deprived of necessary food, clothing, shelter, or care; (d) left unattended in a motor vehicle if such minor child is six years of age or younger; (e) sexually abused; or (f) sexually exploited by allowing, encouraging, or forcing such person to solicit for or engage in prostitution, debauchery, public indecency, or obscene or pornographic photography, films, or depictions.".

2. On page 1, strike beginning with "Conducting" in line 17 through "(b)" in line 19 and insert "Conducting joint investigations of child abuse and other child abuse and neglect matters which the team deems necessary;

(b) Ensuring that a law enforcement agency will participate in the investigation;

(c)".

3. On page 2, line 1, strike "(c)" and insert "(d)"; in line 3 strike "(d)" and insert "(e)"; in line 6 strike "(e)" and insert "(f)"; and in line 7 strike "(f)" and insert "(g)".

4. On page 4, line 4, after the period insert "Such training shall consist of the following components:

(a) Child abuse and neglect investigation procedures as provided by law enforcement standards;

(b) Legal requirements and procedures for successful prosecution of child abuse and neglect cases;

(c) Roles and responsibilities of child protective services, law enforcement agencies, county attorneys, and judges;

(d) Characteristics of child development and family dynamics;

(e) Recognition of various types of abuse and neglect;

(f) Duty of public and private individuals and agencies, including schools, governmental agencies, physicians, and child advocates, to report suspected or known child abuse;

(g) Multidisciplinary approaches to providing services to children; and

(h) Weaknesses in the current child protection system.".

5. On page 15, line 20, after the period

insert "Telephonic hearings allowed under this section shall not be in conflict with section 24-734.".

6. On page 21, line 5, after the comma insert "28-710,".

7. Renumber the remaining sections and correct internal references accordingly.

VISITORS

Visitors to the Chamber were 47 fourth grade students and teachers from Lincoln Elementary, Plattsmouth; 15 students and teacher from Sterling High School; 40 fourth grade students and sponsors from Paddock Lane Elementary, Beatrice; 27 fourth grade students and teacher from Gretna; Senator Wesely's daughter and mother, Amanda and Irene Wesely; 17 seniors and sponsor from Litchfield; and 72 sophomores and sponsor from Burke High, Omaha.

RECESS

At 11:58 a.m., on a motion by Mr. Hall, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:32 p.m., Speaker Baack presiding.

ROLL CALL

The roll was called and all members were present except Mrs. Labedz who was excused; and Messrs. Ashford, Haberman, Kristensen, Schmit, Will, Mmes. Pirsch, and Rasmussen who were excused until they arrive.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1001. Placed on Select File as amended.
(E & R amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM5290.)

LEGISLATIVE BILL 431. Placed on Select File as amended.
E & R amendment to LB 431:
AM5294

1. In the Bohlke-Wesely amendment, AM3675:

a. On page 1, line 4, strike "Section" and insert "Sections";

b. On page 5, line 8, after "ensure" insert "that";

c. On page 8, line 18, after the first "Health" insert "and Human Services,"; and

d. On page 9, line 20, strike the semicolon and show as stricken.

2. On page 1, strike lines 2 through 6 and insert "amend sections 71-1913.01, 71-1913.03, and 79-444.01, Reissue Revised Statutes of Nebraska, 1943; to adopt the Childhood Vaccine Act; to change immunization requirements for children enrolled in early childhood programs; to change duties; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections; and to declare an emergency.".

LEGISLATIVE BILL 431A. Placed on Select File.

LEGISLATIVE BILL 1192. Placed on Select File as amended.
E & R amendment to LB 1192:
AM5291

1. In the Standing Committee amendment, AM3014, on page 2, line 4, after "from" insert "the" and after "tax" insert "and".

2. On page 1, line 4, after "Assistance" insert "Trust".

LEGISLATIVE BILL 1192A. Placed on Select File.

LEGISLATIVE BILL 672. Placed on Select File as amended.
(E & R amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM5292.)

LEGISLATIVE BILL 899. Placed on Select File.

(Signed) Eric Will, Chairperson

WITHDRAW - Amendments to LB 988

Mr. Beutler withdrew his pending amendments, AM4119 and AM4182, found in the Journal on pages 2048 and 2069, to LB 988.

WITHDRAW - Amendments to LB 719

Mr. Beutler withdrew his pending amendments, AM1406 and AM1430, found in the Journal on pages 1761 and 2185, First Session, 1991, to LB 719.

SELECT FILE

LEGISLATIVE BILL 719. Mr. Conway offered the following amendment to his pending amendment:
AM4256

(Amendments to AM3932)

1. Insert the following new section:

"Sec. 2. That section 79-3509.01, Revised Statutes Supplement, 1991, be amended to read as follows:

79-3509.01. (1) The Legislature hereby finds and declares that there is a need to enhance the quality, effectiveness, and performance of teaching and learning in the public schools. The Legislature further finds that school-based, locally negotiated performance-based or supplemental salary enhancement plans are an effective means to address the specific learning needs of students. The purpose of this section is to create an incentive to encourage improvements in learning through locally negotiated performance-based or supplemental salary enhancement plans. Money distributed under this section shall be used for the purpose of providing performance-based or supplemental salary increases for existing employees. Salary increases may be paid to individual teachers, groups of teachers assigned to specific disciplines, multidisciplinary groups, or school faculty who voluntarily participate in such a plan.

It is the intent of the Legislature that providers incorporate into performance-based or supplemental salary enhancement plans the implementation of recommendations from recently issued national and state reports relating to national, state, and local educational goals.

(2) Until January 1, 1993, after ~~After~~ fifteen million dollars have annually been appropriated for general salary increases pursuant to the Help Education Lead to Prosperity Act, the next five million dollars appropriated and one-third of the amount in excess of twenty million dollars for distribution pursuant to the act shall be used only for purposes of providing

performance-based or supplemental salary increases. On and after January 1, 1993, after fifteen million dollars have annually been appropriated for annual salary increases pursuant to the act, any amount in excess of fifteen million dollars appropriated for distribution pursuant to the act shall be used only for purposes of performance-based salary increases. The State Treasurer shall distribute each year an amount to providers meeting the eligibility requirements of this section in the same proportion as their weighted number of full-time equivalent teachers bears to the weighted number of full-time equivalent teachers in the state as a whole employed by providers meeting the eligibility requirements of this section which have submitted the information required by section 79-3505. Providers shall be eligible to receive funds under this section when the department, pursuant to rules and regulations established to implement this section, has approved a provider's performance-based or supplemental salary enhancement plan and has certified to the State Treasurer the existence of an approved plan. Such rules and regulations shall include provisions to assure that each essential element of a performance-based or supplemental salary enhancement plan, including any provision for performance evaluation, has been agreed to by the local governing board or responsible agency official of the provider and the local teacher association or local bargaining group if there is no local teacher association. The plan shall be reduced to writing and signed by both parties.

(3) Performance-based or supplemental salary enhancement plans may include, but shall not be limited to, such criteria as:

(a) Superior teaching performance in completing assigned duties, including assessment of effective teaching, student performance, or a combination of these criteria;

(b) Participating in curriculum planning and development, including vertical or horizontal articulation and leadership, educational assessment practices, attendance at workshops or summer staff development programs, or development and presentation of staff development programs for other teachers to be presented during the school year;

(c) Mentoring new teachers or student teachers for professional growth;

(d) Peer coaching for professional growth;

(e) Providing additional instruction to students for purposes of decreasing the dropout rate and at-risk population, providing multicultural experiences, increasing the attendance rate, or accelerating achievement growth;

(f) Participating in differentiated staffing assignments including additional work assignments, in specialized training during the regular school day or during an extended school day, week, or year, or in sabbatical leave;

(g) Participating on district or school improvement teams, including strategic planning teams, site-based decisionmaking teams, and comprehensive school transformation or restructuring teams;

(h) Participating in specifically approved staff development programs during the school year; and

(i) Participating in comprehensive school transformation or restructuring, including educational programs focusing on student outcomes, student assessment, accountability for organization success, or community or business collaborative efforts.

(4) Performance-based or supplemental salary enhancement plans shall be submitted to the department by September 1 of each year. The department shall certify approval of plans to the State Treasurer by November 1 of each year.".

2. On page 2, lines 23 and 24, strike "all funds deposited in" and insert "the first fifteen million dollars appropriated or credited to".

3. On page 3, line 10, strike "section 79-3505" and insert "sections 79-3505 and 79-3509.01"; and in line 11 strike "is" and insert "are".

4. Renumber the remaining section accordingly.

The Conway amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Mrs. Robak moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Conway pending amendment, AM3932, found in this day's Journal, was renewed.

The Conway pending amendment, as amended, lost with 10 ayes, 21 nays, 15 present and not voting, and 3 excused and not voting.

Mr. Lynch renewed his pending amendment, AM3712, found in the Journal on page 2018.

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Lynch amendment was adopted with 26 ayes, 1 nay, 19 present and not voting, and 3 excused and not voting.

Mr. Robinson offered the following amendment:
FA384
Strike the Lamb amendment FA355.

Mr. Cudaback asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Robinson moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Robinson requested a roll call vote on his amendment.

Voting in the affirmative, 13:

Conway
Haberman
Horgan
Landis
Lindsay
Lynch
Morrissey
Nelson
Pirsch
Robinson
Rogers
Wesely
Will

Voting in the negative, 26:

Abboud
Ashford
Baack
Bernard-Stevens
Bohlke
Byars
Crosby
Dierks
Elmer
Hall
Hefner
Johnson, L.
Johnson, R.
Kristensen
Lamb
Moore
Peterson
Rasmussen
Schellpeper
Schimek
Schmit
Schrock
Warner
Wehrbein
Wickersham
Withem

Present and not voting, 8:

Beutler
Beyer
Chambers
Chizek
Coordsen

Hartnett	Hillman	Robak

Excused and not voting, 2:

Cudaback	Labedz

The Robinson amendment lost with 13 ayes, 26 nays, 8 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Mr. Lindsay offered the following amendment:
FA385

Amend LB 719 as follows:

In AM3762, on page 10, line 8, after "year" insert "provided that any school district which so certifies shall not receive less state aid than such school district would have received if no adjustment in state aid had been made pursuant to this subsection."

Pending.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 429.

SELECT FILE

LEGISLATIVE BILL 719. The Lindsay pending amendment, FA385, found in this day's Journal, was renewed.

Messrs. Rogers and R. Johnson asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?" The motion lost with 15 ayes, 8 nays, and 26 not voting.

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Lindsay moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Moore requested a roll call vote on the Lindsay amendment.

Voting in the affirmative, 22:

Ashford
Bernard-Stevens
Chizek
Conway
Cudaback
Haberman
Hall
Hartnett
Horgan
Kristensen
Landis
Lindsay
Lynch
Pirsch
Rasmussen
Robinson
Schimek
Schmit
Schrock
Wesely
Will
Withem

Voting in the negative, 19:

Abboud
Baack
Beutler
Bohlke
Byars
Coordsen
Crosby
Elmer
Hefner
Johnson, L.
Lamb
Moore
Nelson
Peterson
Robak
Schellpeper
Warner
Wehrbein
Wickersham

Present and not voting, 5:

Beyer
Chambers
Dierks
Hillman
Morrissey

Excused and not voting, 3:

Johnson, R.
Labedz
Rogers

The Lindsay amendment lost with 22 ayes, 19 nays, 5 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mr. Withem moved to reconsider the Lamb amendment, FA356, to LB 719.

MR. CONWAY PRESIDING

Mr. Withem withdrew his motion to reconsider.

Mr. Baack moved to reconsider the Lindsay amendment, FA385, to LB 719.

Mr. Wesely asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hall moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

The Baack motion to reconsider prevailed with 29 ayes, 2 nays, 15 present and not voting, and 3 excused and not voting.

The Lindsay amendment, FA385, found in this day's Journal, was reconsidered.

Mr. Hall moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The Lindsay amendment was adopted with 27 ayes, 6 nays, 13 present and not voting, and 3 excused and not voting.

Mr. Ashford offered the following amendment:
AM4270

1. Insert the following new section:

"Section 1. That section 79-445, Revised Statutes Supplement, 1991, be amended to read as follows:

79-445. (1) The school board or board of education may admit nonresident pupils to the school district, ~~school,~~ may determine the rate of tuition of the pupils, and shall collect such tuition in advance. When the pupil as a ward of the state or as a ward of any court ~~(1)~~ (a) has been placed in a public school district other than the district in which he or she resided at the time he or she became a ward and such ward does not reside in a foster family home licensed or approved by the Department of Social Services or a foster home maintained or used by the Department of Correctional Services pursuant to section 83-108.04 or ~~(2)~~ (b) has been placed in any institution which maintains a special education program which has been approved by the State Department of Education and such institution is not owned or operated by the pupil's resident school district, the cost of his or her education and the required transportation costs associated with the child's education shall be paid by the state but not in advance to the receiving school district or approved institution or paid to the county nonresident high school tuition fund under rules and regulations prescribed by the Department of Social Services. Any pupil who is a ward of the state or a ward of any court who resides in a foster family home licensed or approved by the Department of Social Services or a foster home maintained or used by the

Department of Correctional Services pursuant to section 83-108.04 shall be deemed a resident of the district in which the foster family home or foster home is located.

(2) In the case of any individual eighteen years of age or younger who is a ward of the state or any court and who is placed in a county detention home as established under section 43-2,110, the cost of his or her education shall be paid by the state, regardless of such individual's district of residency, to the agency or institution which~~: (1) Is~~ (a) is selected by the county board with jurisdiction over such detention home, (b) ~~; (2)~~ has agreed or contracted with such county board to provide educational services, and (c) ~~; and (3)~~ has been approved by the State Department of Education pursuant to rules and regulations prescribed by the State Board of Education.

(3) No tuition shall be charged for children who may be by law allowed to attend the school without charge. The public school district in which the parent or guardian of any nonresident pupil maintains his or her legal residence shall not be liable for the payment of tuition fees and the children of school age of such parent or guardian shall be entitled to free common school privileges the same as any child who is a bona fide resident of such school district whenever the parent or guardian of such nonresident pupil, having entered the public service of the State of Nebraska, has removed from the school district in which he or she maintains legal residence into another school district for temporary purposes incidental to serving the state, without the intention of making the school district to which the parent or guardian has removed his or her legal residence. No tuition shall be charged for a child whose parents are divorced if such child attends school in a district in which either parent resides.

(4) The burden of proof as to legal residence shall rest with the person claiming legal residence in any district. The school district may allow a pupil whose residency in the district ceases during a school year to continue attending school for the remainder of that school year without payment of tuition.

(5) The school board or board of education may admit nonresident pupils to the ~~district~~ school district without requiring the payment of tuition if such pupils are in the actual physical custody of a resident of the

school district and are not residents of an adjoining school district and the school board or board of education determines that the pupils would otherwise be denied guaranteed free common school privileges.".

2. Renumber the remaining sections and correct the repealer and internal references accordingly.

Mr. Haberman requested a ruling of the Chair on whether the Ashford amendment is germane to the bill.

The Chair ruled the Ashford amendment is germane to the bill.

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?"

Mr. Ashford moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

The motion to cease debate prevailed with 25 ayes, 4 nays, and 20 not voting.

Mr. Ashford requested a roll call vote on his amendment.

Voting in the affirmative, 24:

Abboud
Ashford
Bernard-Stevens
Beutler
Beyer
Chambers
Chizek
Hall
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Landis
Lindsay
Lynch
Moore
Nelson
Rasmussen
Robak
Schimek
Wehrbein
Will
Withem

Voting in the negative, 20:

Baack
Bohlke
Byars
Conway
Coordsen
Cudaback
Dierks
Elmer
Haberman
Johnson, R.
Kristensen
Morrissey
Peterson
Pirsch
Robinson
Rogers
Schellpeper
Schmit
Schrock
Wickersham

Present and not voting, 3:

Crosby
Lamb
Warner

Excused and not voting, 2:

Labedz	Wesely

The Ashford amendment lost with 24 ayes, 20 nays, 3 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for engrossment with 34 ayes, 4 nays, 9 present and not voting, and 2 excused and not voting.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER BAACK PRESIDING

LEGISLATIVE BILL 542. E & R amendment, AM5210, found in the Journal on page 454, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 965. E & R amendment, AM5248, found in the Journal on page 790, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 976. E & R amendment, AM5239, found in the Journal on page 740, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 988. E & R amendment, AM5286, found in the Journal on page 1812, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1099. E & R amendment, AM5282, found in the Journal on page 1761, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1099A. Advanced to E & R for engrossment.

UNANIMOUS CONSENT - Print in Journal

Mr. Kristensen asked unanimous consent to print the following amendment to LB 1059 in the Journal. No objections. So ordered.

AM4246

1. On page 2, line 10, after the comma insert "Fillmore".

2. On page 3, line 11, after the second comma insert "and" and strike the third comma.

3. In the Beutler amendment, AM3825, on page 4, strike beginning with "and" in line 15 through "Fillmore" in line 16.

Mr. Dierks asked unanimous consent to print the following amendment to LB 1001 in the Journal. No objections. So ordered.

AM4198

(Amendments to E & R amendments, AM5290)

1. Strike section 18 and insert the following new section:

"Sec. 18. That section 79-4,141.01, Revised Statutes Supplement, 1990, as amended by section 1, Legislative Bill 119, Ninety-second Legislature, Second Session, 1992, be amended to read as follows:

79-4,141.01. In each Class I, II, III, IV, V, and VI school district the board of education shall cause to be examined annually by a public accountant or by a certified public accountant all financial records which are maintained directly or indirectly in the administration and management of public school funds. ~~; except that the financial records of a Class I school district shall be examined by a public accountant or certified public accountant every three years. The scope of such Class I school district audit shall include the prior three years.~~ Rules and regulations governing the scope, extent, pattern, and report of the examination shall be adopted and promulgated by the State Board of Education with the advice and counsel of the Auditor of Public Accounts. A copy of the report for all Class II, III, IV, V, and VI school districts shall be filed with the Commissioner of Education and with the Auditor of Public Accounts on or before November 15. A copy of the report regarding the examination of a Class I school district shall be filed with the Commissioner of Education and with the county superintendent on or before ~~October~~ November 15. When any school district fails to comply with this section, the commissioner shall, after notice to the district and an opportunity to be heard, direct that any state aid granted pursuant to the Tax Equity and Educational Opportunities Support Act be withheld until such time as the district has complied with this section. In addition, the commissioner shall notify the county superintendent to direct the county treasurer to withhold all school money belonging to the school district until such time as the commissioner notifies the county superintendent of compliance by the district with this section. The county treasurer shall withhold such money. ~~No distributable state or federal funds shall be allocated for a given fiscal year to any school district which has failed, after due notice, to comply with this section by January 15.~~".

2. Correct repealer accordingly.

Mr. Abboud asked unanimous consent to print the following amendment to LB 718 in the Journal. No objections. So ordered.

AM4125

(Amendments to Final Reading copy)

1. Insert the following new section:

"Sec. 21. That section 9-629, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

9-629. (1) ~~Except as provided in section 9-629.02, the~~ The gross proceeds of any lottery conducted by a county, city, or village shall be used solely for community betterment purposes, awarding of prizes, taxes, and expenses.

(2) Not less than sixty-five percent of the gross proceeds shall be used for the awarding of prizes, except that for purposes of conducting a lottery authorized by subdivision (1)(c)(ii) of section 9-607, not less than sixty-five percent of the gross proceeds during an annual period from July 1 to June 30 of each year shall be used for the awarding of prizes.

(3) Not more than fourteen percent of the gross proceeds shall be used to pay the expenses of operating the lottery, except that license fees paid to the department and audit or legal expenses incurred by the county, city, or village which relate directly to the conduct of operating such lottery shall not be

included in determining the fourteen-percent limitation on expenses.".

2. On page 1, line 1, strike "parimutuel wagering" and insert "horseracing"; in line 3 strike "and 2-1222" and insert "2-1222, and 9-629"; and in line 11 after the first semicolon insert "to eliminate the Thoroughbred Racing Assistance Fund;".

3. On page 2, line 1, after "sections" insert ", and also section 9-629.02, Reissue Revised Statutes of Nebraska, 1943".

4. On page 21, line 2, strike "and 2-1222" and insert "2-1222 and 9-629"; and in line 3 after the last comma insert "and also section 9-629.02, Reissue Revised Statutes of Nebraska, 1943,".

5. Renumber the remaining sections accordingly.

Mr. Conway asked unanimous consent to print the following amendment to LB 759 in the Journal. No objections. So ordered.

AM4034

(Amendments to AM3686)

1. Insert the following new sections:

"Sec. 2. That section 8-124, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

8-124. (1) The affairs and business of any bank chartered after September 2, 1973, or which has had transfer of twenty-five percent or more of voting shares after September 2, 1973, shall be managed or controlled by a board of directors of not less than five and not more than fifteen members, who shall be selected from the stockholders at such time and in such manner as may be provided by the articles of incorporation of the corporation and in conformity with sections 8-101 to 8-1,121. Any bank chartered before September 2, 1973, may have a minimum of three directors and not more than fifteen directors so long as it does not have transfer of twenty-five percent or more voting shares, with such directors selected as provided in this section. Any vacancy on the board shall be filled within ninety days by appointment by the remaining directors, and any director so appointed shall serve until the next election of directors, except that if the vacancy created leaves a minimum of five directors, appointment shall be optional. The board shall select from among its number the president and secretary and shall select a cashier. Such officers shall hold their office at the pleasure of the board of directors. The board of directors shall hold at least one regular meeting in each calendar quarter, and at one of such meetings in each year a thorough examination of the books, records, funds, and securities held by the bank shall be made and recorded in detail upon its record book. In lieu of the one annual examination required, the board of directors may accept one annual audit by an accountant or accounting firm approved by the Director of Banking and Finance.

(2) Upon the request of any member of the board of directors for purposes of determining the safety and soundness of the financial institution, any executive officer shall provide such director access and information relating to the books, accounts, records, funds, securities, or other information held by the financial institution as the director may request for such purpose. The director may review such books, accounts, records, funds, securities, or other information held by the financial institution with his or her independent legal counsel, accounting professional, or both and may have the financial institution make, for the director's retention, copies of any information and documents relating to the books, accounts, records, funds, securities, or other information held by the financial institution. Information accessed and retained by the director shall be confidential and shall not be disclosed, except as provided for in this section and with any employee or any other member of the board of directors of the financial institution, unless the director is presented with a court order of a court of competent jurisdiction setting forth the exact nature and limits of such required disclosure and a showing that all persons or organizations to be affected by such order have had reasonable notice and an opportunity to be heard upon the merits of such order. Any executive officer who refuses to provide any member of the board of directors with such requested access and information shall be deemed to be conducting the business of banking in an unsafe and unauthorized manner and shall be subject to the sanctions, including license revocation, provided in

section 8-139.

Sec. 59. That section 8-1401, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

8-1401. No person or corporation or association organized under Chapter 8, article 1, 2, 3, or 4, or Chapter 21, article 17, 19, 20, 22, or 23, or otherwise authorized to conduct business in Nebraska or organized under the laws of the United States shall be required to disclose any information, financial or otherwise, that it deems confidential concerning its affairs or the affairs of any person or corporation with which it is doing business to any person, party, agency, or organization unless there shall first be presented to such person, corporation, or association a court order of a court of competent jurisdiction setting forth the exact nature and limits of such required disclosure and a showing that all persons or organizations to be affected by such order have had reasonable notice and an opportunity to be heard upon the merits of such order. The requesting party shall pay the costs of providing such information as provided in section 8-1402. This section shall not apply to any duly constituted supervisory regulatory agency of such person, corporation, or association, to disclosures governed by rules for discovery adopted and promulgated pursuant to section 25-1273.01, to any member of the board of directors requesting information pursuant to section 8-124, or to such cases for which specific disclosures are specifically required by other sections of the statutes heretofore or hereafter enacted, except that the Department of Banking and Finance shall be subject to the payment of cost provision of this section when making inquiries that are beyond those normally made in conducting examinations and inquiries for the purpose of determining the safety and soundness of a financial institution, but shall not be subject to the disclosure and reasonable notice provisions of this section when making reasonable inquiries of any person, corporation, or association for the purpose of enforcing any of the laws over which the department has jurisdiction.

Sec. 60. That section 8-1402, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

8-1402. If any person, corporation, or

association~~,~~ covered by section 8-1401~~,~~ is required by court order or shall, after receiving the written permission of the person, corporation, or association about whom information is being sought, voluntarily consent to provide information in its possession, it shall be paid by the requesting person, party, agency, or organization for such service. The requesting person, party agency, or organization shall pay five dollars per hour for the time actually spent on such service or, if such person, corporation, or association can show that its actual expense in providing such information was greater than five dollars per hour, it shall be paid the actual cost of providing such information. No person, corporation, or association shall have an obligation to provide any information pursuant to section 8-1401, other than pursuant to a court order, until assurances have been received that the costs due under this section will be paid. This section shall not apply to any member of the board of directors requesting information pursuant to section 8-124.".

2. On page 12, line 3, strike "5" and insert "6".

3. On page 91, line 20; and page 96, line 6, strike "50 to 57" and insert "51 to 58".

4. On page 94, lines 11 and 13, strike "55" and insert "56".

5. On page 95, line 17, strike "50 to 56" and insert "51 to 57".

6. On page 96, lines 8 and 11, strike "27, 34, and 40 to 42" and insert "28, 35, and 41 to 43"; and in line 12 strike "6 to 49, and 62" and insert "7 to 50, and 65".

7. On page 97, line 13, after "sections" insert "8-124,"; and in line 14 after the first comma insert "8-1401, 8-1402,".

8. Renumber the remaining sections accordingly.

Mr. Wesely asked unanimous consent to print the following amendment to LB 1019 in the Journal. No objections. So ordered.

AM4263

(Amendments to E & R amendments, AM5293)

1. Insert the following new sections:

"Sec. 40. That section 71-1,107.30, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,107.30. A physician assistant shall not prescribe medications except as an agent of the supervising physician. A physician assistant may prescribe medications, except Schedule II controlled substances not otherwise provided for in this section, in the name of the supervising physician if the authority has been assigned by the supervising physician. The prescription container label shall bear the name of the supervising physician and may also bear the name of the physician assistant. A physician assistant may prescribe a seventy-two-hour maximum supply of Schedule II controlled substances used for pain control in the name of the supervising physician if such authority has been assigned by the supervising physician, except that the supervising physician shall renew any subsequent prescription. When prescribing Schedule II controlled substances, the prescription container label shall bear all information required by the federal Controlled Substances Act of 1970.

Sec. 41. That section 71-1,132.05, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,132.05. ~~As used in~~ For purposes of sections 71-1,132.04 to 71-1,132.41, unless the context otherwise requires:

(1) Executive secretary shall mean the executive secretary of the Board of Nursing;

(2) Board shall mean the Board of Nursing;

(3) The practice of nursing shall mean the performance for compensation or gratuitously of any act expressing judgment or skill based upon a systematized body of nursing knowledge. Such acts shall include the identification of and intervention in actual or potential health problems of individuals or groups, which ~~. These~~ acts are directed toward maintaining health status, preventing illness, injury, or infirmity, improving health status, and providing care supportive to or restorative of life and well-being through nursing assessment and through the execution of nursing care~~;~~ and ~~through the execution~~ of diagnostic or therapeutic regimens of duly licensed practitioners authorized to so order such regimens under sections 71-173, 71-183,

71-1,102, and 71-1,137;

(4) The practice of nursing by a registered nurse shall mean assuming responsibility and accountability for ~~those~~ nursing actions which include, but are not limited to:

(a) Identifying human responses to actual or potential health conditions;

(b) Deriving a nursing diagnosis which identifies the needs of an individual, family, or group;

(c) Executing a nursing treatment regimen through the selection, performance, and management of proper nursing practices;

(d) Teaching health care practices;

(e) Advocating the provision of health care services through collaboration with other health service personnel;

(f) Executing diagnostic and therapeutic regimens prescribed by duly licensed practitioners authorized to so order such regimens under sections 71-173, 71-183, 71-1,102, and 71-1,137; or

(g) Administering, supervising, delegating, and evaluating nursing activities;

(5) The practice of nursing by a licensed practical nurse shall mean the assumption of responsibilities and the performing of acts, within the educational background of the practical nurse, under the direction of a licensed physician, dentist, osteopathic physician, podiatrist, or registered nurse, which ~~.~~ ~~Such~~ acts include:

(a) Application of nursing techniques and procedures in the observation, teaching, and caring for the ill, injured, and infirm; and

(b) Promoting community health;

(6) Department shall mean the Department of Health; ~~and~~

(7) Director shall mean the Director of Health; and

(8) Clinical nurse specialist shall mean a registered nurse licensed in Nebraska who holds a master's degree or a doctoral degree in a nursing clinical specialty area.

Sec. 42. That section 71-1,132.18, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,132.18. Any person who holds a license to practice as a registered professional nurse in this state shall have the right to use the title Registered Nurse and the abbreviation R.N. No other person shall assume or use such title or abbreviation. No person shall use the title Clinical Nurse Specialist unless he or she is a clinical nurse specialist as defined in section 71-1,132.05.".

2. Amend the operative date and repealer sections so the sections added by this amendment become operative on their effective date.

3. Renumber the remaining sections and correct internal references accordingly.

Messrs. Wesely, Hall, Lynch, and Schmit asked unanimous consent to print the following amendment to LB 1019 in the Journal. No objections. So ordered.

AM4140

(Amendments to E & R amendments, AM5293)

1. Insert the following new sections:

"Sec. 69. The Legislature hereby finds and declares that:

(1) Health care costs in Nebraska must be contained; and

(2) The rates charged by physicians and hospitals and the construction and expansion of medical facilities has contributed to the increase in health care costs seen in the past decade.

Sec. 70. In any county containing a city of the metropolitan class or city of the primary class, no certificate of need shall be issued for one year after the effective date of this act under the Nebraska Health Care Certificate of Need Act certifying approval of construction or expansion of any hospital for which a certificate of need is required.".

2. Amend the repealer and operative date sections so that the sections added by this amendment become operative on their effective date.

3. Renumber the remaining sections accordingly.

Messrs. Schrock and Wesely asked unanimous consent to print the following amendment to LB 1019 in the Journal. No objections. So ordered.

AM4120

(Amendments to E & R amendment AM5293)

1. Insert the following new section:

"Sec. 28. That section 23-3552, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-3552. (1) The board of directors may, after the adoption of the budget statement, levy and collect an annual tax which the district requires under the adopted budget statement to be received from taxation for the ensuing fiscal year, not to exceed three and five-tenths cents on each one hundred dollars of the actual valuation of all taxable property~~, except intangible property,~~ within such district.

(2) In addition to the levy authorized in subsection (1) of this section, the board of directors of a hospital district ~~having a population of not more than two thousand inhabitants~~ may authorize an additional annual tax not to exceed three and five-tenths cents on each one hundred dollars of the actual valuation of all taxable property~~, except intangible property,~~ within such district, except that such tax shall not be authorized until the question of such additional tax has been submitted to the qualified electors of the district at a primary or general election or a special election called for that purpose and a majority of those voting approve the additional tax. Notice of the time and place of the special election shall be given by publication at least once each week in a legal newspaper of general circulation in the district for three successive weeks immediately preceding such election.

(3) The taxes authorized by subsections (1) and (2) of this section shall not be included within the levy limitations for general county purposes prescribed in section 23-119 or Article VIII, section 5, of the Constitution of Nebraska.

(4) The board shall annually, on or before August 1, certify the ~~tax~~ taxes authorized by this section to the county clerk of each of the counties having land embraced within such district. The county clerk shall extend such ~~levy~~ levies on the tax list, and the county treasurer shall collect the same in the same manner as ~~state and~~ county taxes and shall remit the same to the county treasurer of the county in which the

petition for the formation of the district was filed. Such county treasurer ~~, who~~ shall credit the local hospital district with the amount thereof and make disbursements therefrom on warrants of the district signed by the chairperson and secretary-treasurer of the board of directors.".

2. Correct the repealer and operative date sections so that the section added by this amendment becomes operative three months after adjournment of this legislative session.

3. Renumber the remaining sections and correct internal references accordingly.

Mr. Chambers asked unanimous consent to print the following amendment to LB 1092 in the Journal. No objections. So ordered.

FA386

Amend (AM2990)

Page 17, line 22; page 22, line 4, Strike: "twelve" and insert "ten dollars and fifty cents";

AND

Page 17, line 20; page 22, lines 5 & 6, Strike: "eight dollars" and insert "seven dollars and twenty-five cents".

Mr. Chambers asked unanimous consent to print the following amendment to LB 1092 in the Journal. No objections. So ordered.

FA387

Amend (AM2990)

Strike subsection (5) on pages 7 and 8, and insert:

"The county treasurer or his or her agent shall collect, in addition to other registration fees, one dollar for each and every certificate issued and shall retain the fee for the county general fund."

STANDING COMMITTEE REPORT
Transportation

The Committee on Transportation desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

John Rickerts - Motor Vehicle Industry Licensing Board

VOTE: Aye: Senators Beyer, Byars, Horgan, Peterson, Pirsch, and Wickersham. Nay: None. Absent: Senators Kristensen and Robak.

(Signed) Doug Kristensen, Chairperson

MR. CONWAY PRESIDING

MOTION - Overrule Agenda

Mr. Hall moved to overrule the Speaker's agenda so that Item 14, i.e. motion to reconsider the advancement of LB 72 be considered ahead of Item 10, i.e. LB 958.

Mr. Chambers requested a ruling of the Chair on whether a motion to reconsider the advancement of LB 72 is a priority motion which does not require the motion to overrule the agenda in order to be considered.

The Chair ruled that the motion to reconsider is not before the Legislature because the motion to overrule the agenda is the item which properly is under consideration.

Mr. Withem moved the previous question. The question is, "Shall the debate now close?" The motion lost with 14 ayes, 15 nays, and 20 not voting.

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Hall withdrew his motion to overrule the agenda.

Mr. Dierks asked unanimous consent to be excused. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 436. Introduced by Agriculture Committee: Rogers, 41, Chairperson; Coordsen, 32; Hefner, 19; Morrissey, 1; Schellpeper, 18.

PURPOSE: To study the economic and financial impact on farmers, ranchers, agribusinesses, investments in agricultural enterprises, and rural communities of legislatively mandated programs and other requirements.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 1001 in the Journal. No objections. So ordered.

(Amendment on file in the Clerk's Office - Room 2018 - AM4135.)

SELECT FILE

LEGISLATIVE BILL 958. E & R amendment, AM5272, found in the Journal on page 1471, was adopted.

Mr. Moore asked unanimous consent to replace his pending amendment, AM3542, found in the Journal on page 1408, with a substitute amendment. No objections. So ordered.

Mr. Moore withdrew his pending amendment, AM3542, found in the Journal on page 1408.

SPEAKER BAACK PRESIDING

Mr. Moore offered the following substitute amendment:
AM3598

1. Insert the following new sections:

"Sec. 9. That section 39-6,211, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-6,211. Commencing January 1, 1989, a person shall not operate or be a passenger on a motorcycle or moped on any highway, as defined in section 39-602, in this state unless such person is wearing a protective helmet of the type and design manufactured for use by operators of such vehicles and unless such helmet is secured properly on his or her head with a chin strap or retention system while the vehicle is in motion. All such protective helmets shall be designed to reduce injuries to the user resulting from head impacts and shall be designed to protect the user by remaining on the user's head, deflecting blows, resisting penetration, and spreading the force of impact. Each such helmet shall consist of lining, padding, ~~visor,~~ and chin strap or retention system and shall meet or exceed the standards established in the United States Department of Transportation's Federal Motor Vehicle Safety Standard No. 218, 49 C.F.R. 571.218, for motorcycle helmets.

Sec. 10. That section 39-6,212, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-6,212. The Department of Motor Vehicles shall within sixty days after ~~July 9, 1988~~ the effective date of this act, publish a list of ~~approved~~ protective helmets which ~~meet the requirements of~~ have been certified by the manufacturer of the helmets as meeting the federal motor vehicle safety standard prescribed in section 39-6,211. Such list shall not be inclusive. ~~Any person wearing a protective helmet which meets the requirements established pursuant to section 39-6,211 shall be deemed to be in compliance with such section.~~

Sec. 11. That section 39-6,213, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-6,213. Any person using a protective helmet ~~purchased~~ manufactured prior to ~~July 9~~ October 3, 1988, which ~~is labeled~~ has been labeled by the manufacturer to show ~~that it~~ the manufacturer's certification that the helmet conforms with applicable federal motor vehicle safety standards in existence and in effect when such helmet was manufactured shall be deemed to be in compliance with the standards requirement of section 39-6,211.".

2. On page 34, line 4, after "39-6,103.07" insert "or 39-6,211".

3. On page 40, line 7, after "39-6,171" insert ", 39-6,211 to 39-6,213".

4. In the Standing Committee amendments, AM2930:

a. On page 1, line 14, after "in" insert "or on"; in line 16 before the comma insert "or 39-6,211"; in line 17 after "driver" insert "or operator"; and in lines 17 and 18 strike "motor"; and

b. On page 2 strike beginning with the semicolon in line 3 through "11" in line 4 and insert "; and in line 11 strike '39-6,103.05' and insert '39-6,214' ".

Mr. Lynch requested a ruling of the Chair on whether the Moore amendment is germane to the bill.

The Chair ruled the Moore amendment is germane to the bill.

Mr. Lynch challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Lynch moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Lynch requested a roll call vote on his motion to overrule the Chair.

Voting in the affirmative, 13:

Beutler
Bohlke
Chizek
Crosby
Cudaback
Hartnett
Horgan
Lynch
Rasmussen
Robinson
Rogers
Warner
Withem

Voting in the negative, 30:

Abboud
Ashford
Bernard-Stevens
Byars
Chambers
Conway
Coordsen
Elmer
Haberman
Hall
Hefner
Hillman
Johnson, L.
Johnson, R.
Kristensen
Lamb
Landis
Lindsay
Moore
Morrissey
Nelson
Peterson
Pirsch
Robak
Schellpeper
Schrock
Wehrbein
Wesely
Wickersham
Will

Present and not voting, 3:

Baack
Beyer
Schimek

Excused and not voting, 3:

Dierks
Labedz
Schmit

The Lynch motion to overrule the Chair lost with 13 ayes, 30 nays, 3 present and not voting, and 3 excused and not voting.

The Chair was sustained.

The Chair declared the call raised.

MR. WARNER PRESIDING

Messrs. Hartnett, Abboud, Will, and R. Johnson asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Crosby moved the previous question. The question is, "Shall the debate now close?"

Mr. Moore moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

The motion to cease debate prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Moore requested a record vote on his amendment.

Voting in the affirmative, 22:

Abboud
Ashford
Baack
Bernard-Stevens
Chambers
Conway
Coordsen
Elmer
Haberman
Hall
Johnson, L.
Lamb
Landis
Lindsay
Moore
Morrissey
Peterson
Pirsch
Robak
Rogers
Schellpeper
Wickersham

Voting in the negative, 21:

Beutler
Beyer
Bohlke
Byars
Chizek
Crosby
Cudaback
Hefner
Hillman
Horgan
Kristensen
Lynch
Nelson
Rasmussen
Robinson
Schimek
Schrock
Warner
Wehrbein
Wesely
Withem

Excused and not voting, 6:

Dierks
Hartnett
Johnson, R.
Labedz
Schmit
Will

The Moore amendment lost with 22 ayes, 21 nays, and 6 excused and not voting.

Pending.

The Chair declared the call raised.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1019. Placed on Select File as amended.
(E & R amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM5293.)

LEGISLATIVE BILL 1019A. Placed on Select File.

LEGISLATIVE BILL 1092. Placed on Select File as amended.
(E & R amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM5296.)

LEGISLATIVE BILL 1092A. Placed on Select File as amended.
E & R amendment to LB 1092A:
AM5297

1. On page 1, line 1, after the semicolon insert "to amend Laws 1991, LB 843, section 26, Laws 1991, LB 845, section 20, Laws 1991, LB 846A, section 20, and Laws 1991, LB 854A, section 1;".

LEGISLATIVE BILL 1098. Placed on Select File as amended.
E & R amendment to LB 1098:
AM5295

1. In the Standing Committee amendments, AM3161:
   a. On page 2, line 20, strike "This" and insert "Sections 1 to 3 of this"; and
   b. On page 5, line 6, strike "abuse", show as stricken, and insert "conduct".
2. On page 1, after line 1, after "amend" insert "sections 42-903 and 42-924, Revised Statutes Supplement, 1990, and"; in line 4 after the last semicolon insert "to authorize issuance of a protective order; to harmonize provisions;"; and in line 5 strike "section" and insert "sections".

(Signed) Eric Will, Chairperson

SELECT FILE

LEGISLATIVE BILL 958. Mr. Lamb renewed his pending amendment, FA311, found in the Journal on page 1410.

MR. CONWAY PRESIDING

Mrs. Nelson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. Lamb moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Mr. Lamb requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Baack
Bernard-Stevens
Chambers
Conway
Coordsen
Elmer
Haberman
Johnson, L.
Kristensen
Lamb
Moore
Peterson
Robak
Robinson
Rogers
Schellpeper
Schmit
Schrock
Wehrbein
Wickersham

Voting in the negative, 21:

Abboud
Ashford
Beutler
Beyer
Bohlke
Byars
Chizek
Crosby
Hall
Hillman
Horgan
Landis
Lindsay
Lynch
Morrissey
Pirsch
Rasmussen
Schimek
Warner
Wesely
Withem

Present and not voting, 2:

Cudaback
Nelson

Absent and not voting, 1:

Hefner

Excused and not voting, 5:

Dierks
Hartnett
Johnson, R.
Labedz
Will

The Lamb amendment lost with 20 ayes, 21 nays, 2 present and not voting, 1 absent and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mr. R. Johnson withdrew his pending amendments, AM3586 and AM3569, found in the Journal on pages 1451 and 1452.

Mr. Lynch withdrew his pending amendment, AM3608, found in the Journal on page 1478.

Mrs. Robak withdrew her pending amendment, AM3664, found in the Journal on page 1590.

Mr. Chambers offered the following amendment:
FA388

Page 34, line 16, after "unless", add:

"such driver is wearing an occupant protection system," and strike beginning with "(a)" in line 16 through "system" in line 18.

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion lost with 9 ayes, 5 nays, and 35 not voting.

Mrs. Nelson moved the previous question. The question is, "Shall the debate now close?" The motion lost with 18 ayes, 0 nays, and 31 not voting.

Mr. Landis moved the previous question. The question is, "Shall the debate now close?"

Mr. Landis moved for a call of the house. The motion prevailed with 10 ayes, 1 nay, and 38 not voting.

The motion to cease debate prevailed with 25 ayes, 0 nays, and 24 not voting.

SPEAKER BAACK PRESIDING

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 18:

Abboud
Baack
Bernard-Stevens
Chambers
Conway
Coordsen
Elmer
Haberman
Hall
Hartnett
Lamb
Lindsay
Moore

Peterson
Pirsch
Schellpeper
Schmit
Wickersham

Voting in the negative, 23:

Ashford
Beutler
Beyer
Bohlke
Byars
Chizek
Crosby
Cudaback
Hefner
Hillman
Horgan
Johnson, L.
Johnson, R.
Kristensen
Landis
Lynch
Morrissey
Nelson
Robinson
Schimek
Schrock
Wesely
Withem

Present and not voting, 5:

Rasmussen
Robak
Rogers
Warner
Wehrbein

Excused and not voting, 3:

Dierks
Labedz
Will

The Chambers amendment lost with 18 ayes, 23 nays, 5 present and not voting, and 3 excused and not voting.

Mr. Chambers offered the following amendment:
FA389
Page 35, line 4, after "reasons", add "and"; and strike lines 5 - 8.

Mr. Lynch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Chambers moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 18:

Baack
Bernard-Stevens
Byars
Chambers
Conway
Coordsen
Elmer
Haberman
Hall
Hartnett
Moore
Peterson
Robak
Robinson
Rogers
Schellpeper
Schmit
Wesely

Voting in the negative, 24:

Abboud
Ashford
Beutler
Beyer
Bohlke
Chizek
Crosby
Cudaback
Hefner
Hillman
Johnson, L.
Johnson, R.
Kristensen
Lamb
Landis

Lindsay
Lynch
Morrissey
Nelson
Pirsch
Rasmussen
Warner
Wehrbein
Wickersham

Present and not voting, 4:

Horgan
Schimek
Schrock
Withem

Excused and not voting, 3:

Dierks
Labedz
Will

The Chambers amendment lost with 18 ayes, 24 nays, 4 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mr. Withem asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Lamb offered the following amendment:
AM4291

(Amendment to AM2930)

1. On page 1, line 9, strike "detained for a suspected", show as stricken, and insert "cited or charged with a".

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 8 nays, and 16 not voting.

Mr. Lamb moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

The Lamb amendment was adopted with 25 ayes, 10 nays, 10 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Robinson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers offered the following amendment:
FA390

Amend Committee amendment:
P. 1, line 21, strike "front-seat".

P. 34, line 18 after "system", insert: Each occupant not wearing an occupant protection system, shall be guilty of a traffic infraction

Mr. Chambers requested a division of the question on his amendment.

The Chair sustained the division of the question.

The first Chambers amendment is as follows:
FA391
Amend Committee amendment:
P. 1, line 21, strike "front-seat".

Mr. Chambers moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 18:

Baack
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Conway
Coordsen
Haberman
Hall
Lamb
Morrissey
Nelson
Pirsch
Robak
Rogers
Schmit
Wesely

Voting in the negative, 21:

Abboud
Ashford
Beutler
Bohlke
Crosby
Cudaback
Hefner
Hillman
Horgan
Johnson, L.
Johnson, R.
Kristensen
Landis
Lindsay
Lynch
Moore
Robinson
Schimek
Schrock
Warner
Wehrbein

Present and not voting, 6:

Elmer
Hartnett
Peterson
Rasmussen
Schellpeper
Wickersham

Excused and not voting, 4:

Dierks
Labedz
Will
Withem

The first Chambers amendment lost with 18 ayes, 21 nays, 6 present and not voting, and 4 excused and not voting.

The second Chambers amendment is as follows:

FA392

Amend Committee amendment:

P. 34, line 18 after "system", insert: Each occupant not wearing an occupant protection system, shall be guilty of a traffic infraction

Mr. Chambers withdrew his pending amendment.

The Chair declared the call raised.

Mr. Horgan offered the following amendment:

AM3787

1. On page 36, line 8, strike "and" and reinstate the stricken matter.

2. In the Standing Committee amendments, AM2930, on page 1, line 15, strike "violating" and insert "not wearing an occupant protection system pursuant to".

Mr. Elmer asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers requested a roll call vote on the Horgan amendment.

Voting in the affirmative, 24:

Baack
Beyer
Bohlke
Byars
Coordsen
Crosby
Cudaback
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Kristensen
Lindsay
Lynch
Nelson
Pirsch
Rasmussen
Robinson
Rogers
Schimek
Schrock
Wehrbein
Wickersham

Voting in the negative, 16:

Abboud
Ashford
Bernard-Stevens
Chambers
Chizek
Conway
Hall
Johnson, R.
Lamb
Landis
Moore
Morrissey
Peterson
Robak
Schmit
Wesely

Present and not voting, 4:

Beutler
Haberman
Schellpeper
Warner

Excused and not voting, 5:

Dierks
Elmer
Labedz
Will
Withem

The Horgan amendment lost with 24 ayes, 16 nays, 4 present and not voting, and 5 excused and not voting.

Mr. Hefner moved to reconsider the Lamb amendment, FA311, to LB 958.

Mr. Conway asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Abboud moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

The Hefner motion to reconsider lost with 19 ayes, 21 nays, 5 present and not voting, and 4 excused and not voting.

Mr. Ashford moved to reconsider the Horgan amendment, AM3787.

Mr. Kristensen moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Ashford motion to reconsider prevailed with 27 ayes, 4 nays, 14 present and not voting, and 4 excused and not voting.

The Horgan amendment, AM3787, found in this day's Journal, was reconsidered.

The Horgan amendment was adopted with 26 ayes, 5 nays, 14 present and not voting, and 4 excused and not voting.

Mr. R. Johnson requested a machine vote on the advancement of the bill.

Mr. Horgan moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Haberman requested a record vote on the advancement of the bill.

Voting in the affirmative, 27:

Ashford
Beutler
Beyer
Bohlke
Byars
Chizek
Crosby
Cudaback
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Kristensen
Landis
Lindsay
Lynch
Nelson
Rasmussen
Robinson
Rogers
Schimek
Schrock
Warner
Wehrbein

Wesely
Withem

Voting in the negative, 19:

Abboud
Baack
Bernard-Stevens
Chambers
Coordsen
Elmer
Haberman
Hall
Johnson, R.
Lamb
Moore
Morrissey
Peterson
Pirsch
Robak
Schellpeper
Schmit
Wickersham
Will

Excused and not voting, 3:

Conway
Dierks
Labedz

Advanced to E & R for engrossment with 27 ayes, 19 nays, and 3 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 360. Mr. Coordsen withdrew his pending amendments, AM3671 and AM3670, printed separately from the Journal and referred to on page 1718.

Mr. Lindsay withdrew his pending amendments, AM3545, AM3738, AM3736, and AM3739, found in the Journal on pages 1599 and 1641.

Mr. Beutler withdrew his pending amendment, AM3634, found in the Journal on page 1605.

Mr. Will withdrew his pending amendments, AM3735, AM3734, and AM3737, found in the Journal on pages 1663 and 1664.

Mr. Haberman asked unanimous consent to be excused. No objections. So ordered.

Messrs. Lindsay and Coordsen offered the following amendment:
AM4197

1. In AM3382, on page 7, line 4, after "payment" insert "of compensation or medical payments subject to section 48-120"; in line 5 after "injury" insert "or neglects to pay medical payments subject to such section after thirty days' notice has been given of the obligation for medical payments"; and in line 9 after the period insert "Attorney's fees allowed shall not be deducted from the amounts ordered to be paid for medical services nor shall attorney's fees be charged to

the medical providers.".

The Lindsay-Coordsen amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Mr. Beutler offered the following amendment:
AM3782

(Amendments to AM3382)

1. On page 11, strike beginning with "The" in line 12 through the period in line 21.

The Beutler amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

MR. WARNER PRESIDING

Mr. Kristensen offered the following amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM3830.)

The Kristensen amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 459. Placed on Select File as amended.
(E & R amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM5298.)

LEGISLATIVE BILL 1184A. Placed on Select File.

Correctly Engrossed

The following bill was correctly engrossed: 754.

Enrollment and Review Change to LB 754

The following changes, required to be reported for publication in the Journal, have been made:
ER7169

1. In FA379:

a. On page 13, line 16, "pursuant to this section" has been inserted after "credit"; and in line 18 the new matter has been struck; and

b. On page 14, line 12, "on" has been struck and "not later than" inserted.

2. On page 1, the matter beginning with the first "to" in line 1 through the first semicolon in line 12 and all amendments thereto have been struck and "to ethanol; to amend sections 66-1301, 66-1303, 66-1307 to 66-1307.02, 66-1320, 66-1324, and 66-1326, Reissue Revised Statutes of Nebraska, 1943; to define and eliminate terms; to change provisions relating to a report and to the deposit, distribution, and transfer of certain funds as prescribed; to change provisions relating to grants or loans for approved projects; to change provisions relating to the ethanol tax credit and the funding of such credit; to create a fund; to provide a tax credit for producers of ethyl tertiary butyl ether; to authorize agreements as prescribed; to harmonize provisions; to provide operative dates;" inserted.

(Signed) Eric Will, Chairperson

SELECT FILE

LEGISLATIVE BILL 360A. Mr. Hefner moved to indefinitely postpone.

Laid over.

LEGISLATIVE BILL 835. E & R amendment, AM5274, found in the Journal on page 1506, was adopted.

Mr. Kristensen withdrew his pending amendments, AM3657 and AM3872, found in the Journal on pages 1618 and 1843.

Mr. Lynch withdrew his pending amendment, AM3816, found in the Journal on page 1722.

Mr. Wesely withdrew his pending amendment, AM3876, found in the Journal on page 1835.

Messrs. Landis, Wesely, Kristensen, and Lynch renewed their pending amendment, AM4166, found in the Journal on page 2051.

Mr. Withem asked unanimous consent to be excused until he returns. No objections. So ordered.

The Landis et al. amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

Mr. Beyer asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 835A. E & R amendment, AM5275, found in the Journal on page 1506, was adopted.

Mr. Morrissey moved to indefinitely postpone LB 835A.

Mr. Morrissey withdrew his motion to indefinitely postpone.

Mrs. Pirsch, Messrs. Byars, and Hefner asked unanimous consent to be excused. No objections. So ordered.

Mr. Beutler offered the following amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM4295.)

MR. LAMB PRESIDING

Mr. L. Johnson asked unanimous consent to be excused. No objections. So ordered.

Mrs. Robak moved to bracket LB 835A until April 15, 1992.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?"

Mr. Wesely moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

The motion to cease debate prevailed with 25 ayes, 0 nays, and 24 not voting.

Mrs. Robak requested a roll call vote on her motion to bracket.

Voting in the affirmative, 11:

Conway Moore Robinson Schmit Warner
Coordsen Robak Schellpeper Schrock Wehrbein
Elmer

Voting in the negative, 18:

Ashford
Beutler
Chambers
Chizek
Crosby
Cudaback
Hall
Hillman
Horgan
Kristensen
Landis
Lindsay
Lynch
Peterson
Rasmussen
Wesely
Wickersham
Will

Present and not voting, 10:

Abboud
Baack
Bernard-Stevens
Bohlke
Hartnett
Lamb
Morrissey
Nelson
Rogers
Schimek

Excused and not voting, 10:

Beyer
Byars
Dierks
Haberman
Hefner
Johnson, L.
Johnson, R.
Labedz
Pirsch
Withem

The Robak motion to bracket lost with 11 ayes, 18 nays, 10 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Mr. Moore requested a ruling of the Chair on whether the Beutler amendment is germane to the bill.

The Chair ruled the Beutler amendment is not germane to the bill.

Mr. Beutler challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 437. Introduced by Withem, 14.

WHEREAS, there have been recent studies questioning the geography literacy of students of the United States; and

WHEREAS, the Nebraska Geography Bee was held on March 27, 1992, as a result of local district competitions in which over ten thousand students competed for a chance to advance to the state competition; and

WHEREAS, the Nebraska Geography Bee does much to promote geography literacy and enhance the education of children within our state; and

WHEREAS, Matt Coffey, an eighth-grade student at Blair Junior-Senior High School, Blair, Nebraska, finished first in the Nebraska Geography Bee, winning the geography bee for a second time, and will advance to the national competition in Washington, D. C. on May 20 and 21, 1992; and

WHEREAS, Jesse Whidden, a fourth-grade student at St. Edward Public Schools, St. Edward, Nebraska, finished second in the Nebraska Geography Bee; and

WHEREAS, Julia Joy Anson, a sixth-grade student at O'Neill Public Schools, O'Neill, Nebraska, finished third in the Nebraska Geography Bee.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Matt Coffey on his second first-place finish in the Nebraska Geography Bee and wishes him the best of luck at the national competition.
2. That the Legislature extends its congratulations and best wishes to Jesse Whidden and Julia Joy Anson for their outstanding performances.
3. That the Legislature thanks and appreciates the schools of all one hundred contestants participating in the Nebraska Geography Bee for their effort in encouraging students to work toward academic excellence.
4. That a copy of this resolution be sent to Matt Coffey, Jesse Whidden, Julia Joy Anson, and Dr. Charles Gildersleeve, coordinator of the Nebraska Geography Bee.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 1019 in the Journal. No objections. So ordered.

(Amendment on file in the Clerk's Office - Room 2018 - AM4288.)

Mr. Landis asked unanimous consent to print the following amendment to LB 431A in the Journal. No objections. So ordered.

(Amendment on file in the Clerk's Office - Room 2018 - AM4117.)

MOTION - Adjournment

Mr. Elmer moved to adjourn until 9:00 a.m., Thursday, April 9, 1992. The motion lost with 2 ayes, 18 nays, 19 present and not voting, and 10 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 835A. The Beutler pending motion, found in this day's Journal, to overrule the Chair, was renewed.

Mr. Hall moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 9 nays, and 15 not voting.

The Beutler motion to overrule the Chair prevailed with 20 ayes, 13 nays, 6 present and not voting, and 10 excused and not voting.

The Chair was overruled.

Mrs. Robak and Mr. Elmer asked unanimous consent to be excused. No objections. So ordered.

The Beutler pending amendment, AM4295, on file in the Clerk's Office and referred to in this day's Journal, was renewed.

Mr. Conway requested a division of the question on the Beutler amendment.

The Chair sustained the division of the question.

Pending.

VISITORS

Visitors to the Chamber were 22 fourth grade students and teacher from Williams Elementary, Columbus; Dr. Vojtech Cepl from Prague, Czechoslovakia and John Gradwohl; Senator Schellpeper's son, daughter-in-law, and grandsons, Jeff, Kathy, Andrew, and Eric Schellpeper, from Lincoln; and Frank and Paul Smith.

MOTION - Adjournment

Mr. Beutler moved to adjourn until 9:00 a.m., Thursday, April 9, 1992. The motion prevailed with 18 ayes, 11 nays, 8 present and not voting, and 12 excused and not voting, and at 11:09 p.m., the Legislature adjourned until 9:00 a.m., Thursday, April 9, 1992.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-EIGHTH DAY - APRIL 9, 1992

LEGISLATIVE JOURNAL

FIFTY-EIGHTH DAY - APRIL 9, 1992

LEGISLATIVE JOURNAL

NINETY-SECOND LEGISLATURE
SECOND SESSION

FIFTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 9, 1992

Pursuant to adjournment, the Legislature met at 9:04 a.m., Speaker Baack presiding.

PRAYER

The prayer was offered by Pastor Noel Sullivan, Northside Nazarene Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Chambers, Conway, Haberman, Hall, Horgan, R. Johnson, Lindsay, Rogers, Schmit, Mmes. Labedz, Pirsch, and Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-seventh day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 291 and 291A.

Enrollment and Review Change to LB 291

The following changes, required to be reported for publication in the Journal, have been made:

ER7170

1. In lieu of the Bernard-Stevens amendment, FA382, in the Kristensen amendment, AM3915:

a. On page 6, line 24, the matter beginning with "At" through "any" has been struck, shown as stricken and "Any person who has been convicted of driving while intoxicated for the first time or any person convicted of driving while intoxicated who has never been assessed for alcohol abuse shall, during a presentence evaluation, submit to and participate in an alcohol assessment. The alcohol assessment shall be paid for by the person convicted of driving while intoxicated. At the time of sentencing, the judge, having reviewed the assessment results, may then order the convicted person to follow through on the alcohol assessment results at the convicted person's expense in lieu of or in addition to any penalties deemed necessary." inserted; and

b. On page 7, lines 1 through 5 have been struck and shown as stricken.

2. In the Kristensen amendment, AM3901:

a. On page 24, line 4, an underscored comma has been inserted after "purposes"; and in line 5 an underscored comma has been inserted after "officer";

b. On page 25, line 1, "county" has been struck and "village" inserted; and

c. On page 30, line 1, "or" has been struck.

3. In the E & R amendment, AM5258, amendment 2 has been struck.

4. On page 1, the matter beginning with "vehicle" in line 1 through line 10 has been struck and "vehicles; to amend sections 28-106, 28-306, 39-603, 39-669.12, 39-669.15, 39-669.16, 39-669.17, and 39-669.39, Reissue Revised Statutes of Nebraska, 1943, sections 39-669.07, 39-669.08, 39-669.11, 39-669.14, 39-6,122, and 60-4,129, Revised Statutes Supplement, 1990, and sections 60-498 and 71-1,103, Revised Statutes Supplement, 1991; to change provisions relating to driving under the influence of alcohol or drugs; to provide for an alcohol assessment; to provide and change penalties; to change the applicability of certain provisions; to provide for the administrative revocation of operator's licenses; to change provisions relating to tests of blood, breath, or urine; to provide powers and duties; to provide for employment driving permits; to harmonize provisions; to provide an operative date; and to repeal the original sections." inserted.

(Signed) Eric Will, Chairperson

REPORT

Received annual report from the State Claims Board, Office of Risk Management, in accordance with Sections 81-8,226 and 81-8,300, Reissue Revised Statutes of Nebraska, 1943.

RESOLUTION

LEGISLATIVE RESOLUTION 430. Read. Considered.

LR 430 was adopted with 26 ayes, 0 nays, and 23 not voting.

SELECT FILE

LEGISLATIVE BILL 1063A. Messrs. Warner and Hall renewed their pending amendment, AM4105, found in the Journal on page 2089.

The Warner-Hall amendment was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1019. Mr. Wickersham moved to bracket LB 1019 until April 16, 1992.

Mr. Wickersham withdrew his motion to bracket.

E & R amendment, AM5293, printed separately from the Journal and referred to on page 2119, was adopted.

Mr. Wesely withdrew his pending amendments, AM4142 and AM4263, found in the Journal on pages 2074 and 2108.

Mr. Horgan asked unanimous consent to be excused until he returns. No objections. So ordered.

Messrs. Hall, Wesely, Lynch, and Schmit renewed their pending amendment, AM4140, found in the Journal on page 2111.

Mr. Byars moved to bracket LB 1019 until April 16, 1992.

Mr. Morrissey asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Kristensen moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

The Byars motion to bracket lost with 9 ayes, 17 nays, 18 present and not voting, and 5 excused and not voting.

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Hall moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Hall requested a roll call vote on the Hall et al. pending amendment.

Voting in the affirmative, 21:

Abboud
Chambers
Chizek
Cudaback
Dierks
Hall
Hartnett
Johnson, L.
Johnson, R.
Landis
Lynch
Moore
Morrissey
Nelson
Rogers
Schimek
Schmit
Warner
Wehrbein
Wesely
Will

Voting in the negative, 17:

Baack
Bernard-Stevens
Bohlke
Byars
Conway
Coordsen
Crosby
Elmer
Haberman
Hefner
Kristensen
Labedz
Lamb
Lindsay
Robak
Robinson
Withem

Present and not voting, 10:

Ashford
Beutler
Beyer
Hillman
Horgan
Peterson
Rasmussen
Schellpeper
Schrock
Wickersham

Excused and not voting, 1:

Pirsch

The Hall et al. pending amendment lost with 21 ayes, 17 nays, 10 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Messrs. Wesely and Schrock withdrew their pending amendment, AM4120, found in the Journal on page 2111.

Mr. Wesely renewed his pending amendment, AM4288, on file in the Clerk's Office and referred to in the Journal on page 2132.

Mr. Wesely requested a division of the question on his amendment.

The Chair sustained the division of the question.

The first Wesely amendment is as follows:
FA394
Sections 1 through 99 and 123 through the end of AM4288.

Mr. Warner requested a ruling of the Chair on whether the first Wesely amendment is germane to the bill.

Mr. Warner withdrew his request for a ruling of the Chair.

Mr. Wesely moved to suspend the rules, Rule 7, Section 3(d) to permit consideration of AM4288 to LB 1019.

Mr. Haberman requested a record vote on the Wesely motion to suspend the rules.

Voting in the affirmative, 32:

Abboud
Ashford
Baack
Bernard-Stevens
Bohlke
Byars
Chizek
Conway
Crosby
Cudaback
Dierks
Elmer
Hall
Hefner
Hillman
Horgan
Johnson, L.
Kristensen
Landis
Lindsay
Lynch
Morrissey
Rasmussen
Robinson
Rogers
Schellpeper
Schimek
Schrock
Warner
Wehrbein
Wesely
Wickersham

Voting in the negative, 0.

Present and not voting, 16:

Beutler
Beyer
Chambers
Coordsen
Haberman
Hartnett
Johnson, R.
Labedz
Lamb
Moore
Nelson
Peterson
Robak
Schmit
Will
Withem

Excused and not voting, 1:

Pirsch

The Wesely motion to suspend the rules prevailed with 32 ayes, 0 nays, 16 present and not voting, and 1 excused and not voting.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

The first Wesely amendment, FA394, was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

The second Wesely amendment is as follows:
FA395
Sections 100 through 122.

Mr. Wesely withdrew his pending amendment, FA395.

Mr. Bernard-Stevens moved to reconsider the Hall et al. amendment, AM4140.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Bernard-Stevens withdrew his motion to reconsider.

Mr. Ashford offered the following amendment:
FA396

1. On page 95, line 16, after "pharmacy" insert ". For a one-year period commencing on the operative date of this section, the dispensing of methadone pursuant to a narcotics treatment program for maintenance or detoxification treatment for narcotics addicts as defined by 21 C.F.R. 291.505 by a licensed registered nurse or licensed practical nurse designated by and pursuant to a lawful order countersigned by a medical practitioner shall not be deemed to be the practice of pharmacy".

Mr. Ashford moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. Withem requested a roll call vote on the Ashford amendment.

Voting in the affirmative, 25:

Abboud
Ashford
Baack
Beyer
Bohlke
Chizek
Conway
Crosby
Elmer
Hall
Hartnett
Hillman
Horgan
Kristensen
Landis
Lynch
Morrissey
Nelson
Robak
Robinson
Rogers
Schmit
Schrock
Warner
Wesely

Voting in the negative, 10:

Byars
Coordsen
Cudaback
Hefner
Johnson, L.
Lamb
Moore
Rasmussen
Schellpeper
Wehrbein

Present and not voting, 11:

Bernard-Stevens
Beutler
Chambers
Dierks
Johnson, R.
Lindsay
Peterson
Schimek
Wickersham
Will
Withem

Excused and not voting, 3:

Haberman
Labedz
Pirsch

The Ashford amendment was adopted with 25 ayes, 10 nays, 11 present and not voting, and 3 excused and not voting.

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 1 nay, and 17 not voting.

Mr. Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 32:

Baack
Bernard-Stevens
Beyer
Bohlke
Byars
Chizek
Conway
Crosby
Cudaback
Dierks
Elmer
Hall
Hartnett
Hefner
Hillman
Horgan
Johnson, R.
Kristensen
Lamb
Landis
Lindsay
Lynch
Morrissey
Rasmussen
Robak
Robinson
Schimek
Schrock
Warner
Wehrbein
Wesely
Will

Voting in the negative, 4:

Chambers
Coordsen
Schmit
Withem

Present and not voting, 10:

Abboud
Ashford
Beutler
Johnson, L.
Moore
Nelson
Peterson
Rogers
Schellpeper
Wickersham

Excused and not voting, 3:

Haberman	Labedz	Pirsch

Advanced to E & R for engrossment with 32 ayes, 4 nays, 10 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 1019A. Advanced to E & R for engrossment.

The Chair declared the call raised.

LEGISLATIVE BILL 1192. E & R amendment, AM5291, found in the Journal on page 2092, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1192A. Advanced to E & R for engrossment.
LEGISLATIVE BILL 899. Advanced to E & R for engrossment.

LEGISLATIVE BILL 1001. E & R amendment, AM5290, printed separately from the Journal and referred to on page 2091, was adopted.

Mr. Schellpeper withdrew his pending amendment, AM3944, found in the Journal on page 2088.

Mr. Dierks withdrew his pending amendment, AM4198, found in the Journal on page 2103.

Mr. Landis withdrew his pending amendment, AM4135, on file in the Clerk's Office and referred to in the Journal on page 2115.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1098. E & R amendment, AM5295, found in the Journal on page 2119, was adopted.

Mr. Chizek withdrew his pending amendment, AM3381, found in the Journal on page 1283.

Mrs. Robak withdrew her pending amendment, AM3572, found in the Journal on page 1428.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 431. E & R amendment, AM5294, found in the Journal on page 2091, was adopted.

Advanced to E & R for engrossment.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 542, 719, 965, 976, 988, 1099, and 1099A.

Enrollment and Review Change to LB 719

The following changes, required to be reported for publication in the Journal, have been made:
ER7171

1. In the Lindsay amendment FA385, on page 1, line 1, "provided" has been struck and ", except" inserted.

2. In the Lynch amendment, AM3712:

a. On page 1, line 2, "Section 1." has been struck and "Sec. 4." inserted; in line 6 "(1)" has been inserted before "A"; in line 9 "(1)" has been struck, shown as stricken, and "(2)" inserted; and in line 21 "(2)" has been struck, shown as stricken, and "(3)" inserted;

b. On page 3, line 11, "(3)" has been struck, shown as stricken, and "(4)" inserted; and in line 22 "(4)" has been struck and "(5)" inserted;

c. On page 4, line 3, "allowable" has been inserted after "applicable"; in line 9 "(5)" has been struck and "(6)" inserted; and in line 10 "applicable" has been inserted after "its"; and

d. Section 2 has been struck.

3. In the Lamb amendment, FA356, on page 10, line 3, "in" has been struck and "from" inserted; in line 19 "4" has been struck and "5" inserted; and in line 20 "and section 79-3819, Revised Statutes Supplement, 1991, as amended by section 205, Legislative Bill 1063, Ninety-second Legislature, Second Session, 1992," has been inserted after the last comma.

4. On page 1, lines 2 through 5 and all amendments thereto have been struck and "amend sections 79-402, 79-3806, and 79-3807, Revised Statutes Supplement, 1991, and section 79-3819, Revised Statutes Supplement, 1991, as amended by section 205, Legislative Bill 1063, Ninety-second Legislature, Second Session, 1992; to change a provision relating to changing boundaries of school districts; to change provisions relating to equalization aid and the computation of total formula need; to change provisions relating to limitations on the budgets of school districts; and to repeal the original sections." inserted.

(Signed) Eric Will, Chairperson

VISITORS

Visitors to the Chamber were Zoran Thaler from the Republic of Slovenia; 35 fourth grade students and teachers from Holy Ghost Elementary, Omaha; seventh and eighth grade students and sponsor from Rose; Phyllis and Les Lawless from Hastings; 60 fourth grade students and teachers from Howard Elementary, Grand Island; 40 students and sponsor from Lincoln Public Schools; 39 fourth grade students, teacher, and sponsors from Blessed Sacrament, Lincoln; and Mr. and Mrs. Donald Liedman from Carroll.

RECESS

At 12:11 p.m., on a motion by Mr. Will, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Baack presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Hall, Horgan, and Kristensen who were excused until they arrive.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 430.

SELECT FILE

LEGISLATIVE BILL 835A. Mr. Beutler challenged the ruling of the Chair on sustaining the division of the question on the Beutler pending amendment, AM4295, on file in the Clerk's Office and referred to in the Journal on page 2130. The question is "Shall the Chair be overruled?"

Mr. Beutler moved for a call of the house. The motion prevailed with 24 ayes, 1 nay, and 24 not voting.

Mr. Beutler requested a roll call vote on his motion to overrule the Chair.

Voting in the affirmative, 18:

Beutler
Chizek
Cudaback
Hall
Hartnett
Hillman
Horgan
Johnson, R.
Kristensen
Labedz
Landis
Lindsay
Lynch
Rasmussen
Robak
Wesely
Wickersham
Will

Voting in the negative, 26:

Ashford
Baack
Bernard-Stevens
Beyer
Bohlke
Byars
Chambers
Conway
Coordsen
Crosby
Dierks
Elmer
Haberman
Hefner
Johnson, L.
Lamb
Moore
Nelson
Pirsch
Robinson
Rogers
Schellpeper
Schmit
Warner
Wehrbein
Withem

Present and not voting, 5:

Abboud
Morrissey
Peterson
Schimek
Schrock

The Beutler motion to overrule the Chair lost with 18 ayes, 26 nays, and 5 present and not voting.

The Chair was sustained.

The Chair declared the call raised.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 958.

(Signed) Eric Will, Chairperson

SELECT FILE

LEGISLATIVE BILL 835A. Mr. Moore moved to bracket until April 15, 1992.

Mr. R. Johnson moved the previous question. The question is, "Shall the debate now close?"

Mr. R. Johnson moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

The motion to cease debate prevailed with 27 ayes, 10 nays, and 12 not voting.

Mr. Moore withdrew his pending motion to bracket.

Mr. Beutler asked unanimous consent to bracket LB 835A until April 15, 1992. No objections. So ordered.

The Chair declared the call raised.

LEGISLATIVE BILL 1257. E & R amendment, AM5281, printed separately from the Journal and referred to on page 1761, was adopted.

Mr. R. Johnson withdrew his pending amendment, AM3892, found in the Journal on page 1850.

Mr. Morrissey asked unanimous consent to replace his pending amendment, AM4000, found in the Journal on page 1916, with a substitute amendment. No objections. So ordered.

Mr. Morrissey withdrew his pending amendment, AM4000, found in the Journal on page 1916.

Messrs. Morrissey and R. Johnson offered the following substitute amendment:
AM4307

(Amendments to E & R amendments, AM5281)

1. Strike section 51 and insert the following new sections:

"Sec. 56. That section 69-2008, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

69-2008. On and after January 1, 1991, a person shall not sell or offer for sale at retail any beverage for human consumption if the beverage container is connected to another beverage container by a device which is constructed of a material which is not biodegradable, ~~or~~ photodegradable, or recyclable.

Sec. 57. That section 69-2009, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

69-2009. On and after January 1, 1992, a person shall not sell or offer for sale at retail any bag used for or intended to be used for grass clippings, garbage, yard waste, or leaves which is constructed of a material which is not biodegradable, ~~or~~ photodegradable, or recyclable.".

2. On page 8, line 13, strike "Each" and insert "Effective October 1, 1993, each".

3. On page 11, line 17, after "council" insert "as authorized by the act".

4. On page 21, line 4, strike "After" and insert "(1) Except as provided in subsections (2) and (3) of this section, after"; in line 15 strike "(1)" and insert "(a)"; in line 17 strike "(2)" and insert "(b)"; in line 20 strike "(3)" and insert "(c)"; and after line 22 insert the following new subsections:

"(2) No person shall be found to be in violation of this section if (a) the solid waste generated by an individual is disposed of on such individual's property, (b) such property is outside the corporate limits of a municipality, and (c) the department determines that the county has not provided integrated solid waste management facilities for its residents.

(3) Any person, county, municipality, or agency may apply to the department for an extension of the deadline contained in subsection (1) of this section. The department shall determine whether or not to grant such extension based upon the good faith efforts of the person, county, municipality, or agency to comply with the Integrated Solid Waste Management Act.".

5. On page 23, line 10, strike "permit application" and insert "applicant who applies"; and in line 11 after "department" insert "for a permit".

6. On page 26, line 18, strike "plan" and insert "application".

7. On page 29, line 8, strike the comma and insert "and"; strike beginning with "and" in line 9 through "thereunder" in line 12; and strike beginning with "or" in line 18 through "Act" in line 19.

8. On page 30, line 13, after "requirements" insert "of the act"; in line 16 after "or" insert "fees designated pursuant to"; and in line 17 after "or" insert "money".

9. On page 31, line 8, strike "On" and insert

"By".

10. On page 32, lines 3 and 4, strike ", after collection,"; in line 9 after "(2)" insert "The department shall exempt a landfill operator from the disposal fee imposed by this section for solid waste that is disposed pursuant to a contract shown to have been in effect on or before December 15, 1991, if such contract requires the landfill operator to dispose of solid waste without a mechanism for a price increase for a period of not less than one year. Such exemption shall terminate at the earlier of the following dates: (a) The date such contract allows for a price increase; (b) the expiration of such contract; or (c) July 1, 1994.

(3)"; in line 16 strike "(3)" and insert "(4)"; in line 19 strike "(4)" and insert "(5)"; and in line 22 strike "(5)" and insert "(6)".

11. On page 33, line 10, strike "(6)" and insert "(7)".

12. On page 96, line 21, after "15" insert "and the Integrated Solid Waste Management Act".

13. On page 160, line 20; and page 161, line 13, strike "19-2112" and insert "69-2008, 69-2009".

14. On page 161, line 7; and page 162, line 20, after the first comma insert "19-2112, 19-2113,".

15. Renumber the remaining sections accordingly.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

The Morrissey-R. Johnson amendment was adopted with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

Mr. Landis renewed his pending amendment, AM4157, found in the Journal on page 2038.

The Landis amendment was adopted with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

Mr. Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Bohlke renewed her pending amendment, AM4039, found in the Journal on page 2056.

The Bohlke amendment was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Landis renewed his pending amendment, AM4176, found in the Journal on page 2062.

The Landis amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Messrs. Beutler and Morrissey offered the following amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM4206.)

Mr. Robinson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Wehrbein requested a ruling of the Chair on whether the Beutler-Morrissey amendment is germane to the bill.

The Chair ruled the Beutler-Morrissey amendment is germane to the bill.

Mr. Morrissey moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Beutler-Morrissey amendment was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Mr. Hall offered the following amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM4317.)

The Hall amendment was adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

Advanced to E & R for engrossment.

MR. KRISTENSEN PRESIDING

LEGISLATIVE BILL 1257A. E & R amendment, AM5284, found in the Journal on page 1761, was adopted.

Mr. Beutler renewed his pending amendment, AM4171, found in the Journal on page 2056.

The Beutler amendment was adopted with 26 ayes, 2 nays, 20 present and not voting, and 1 excused and not voting.

Mrs. Bohlke renewed her pending amendment, AM4040, found in the Journal on page 2059.

The Bohlke amendment was adopted with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

Mr. Robinson requested a machine vote on the advancement of the bill.

Advanced to E & R for engrossment with 28 ayes, 4 nays, 16 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 556. E & R amendment, AM5280, printed separately from the Journal and referred to on page 1581, was adopted.

Mr. Baack renewed his pending amendment, AM4076, found in the Journal on page 2048.

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

The Baack amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Mr. Baack renewed his pending amendment, AM3868, found in the Journal on page 2050.

The Baack amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Mr. Lindsay offered the following amendment:
AM4299

(Amendments to E & R amendments, AM5280)

1. Insert the following new sections:

"Sec. 12. Sections 12 to 23 of this act shall be known and may be cited as the Campaign Committee Income Tax Act.

Sec. 13. The Legislature finds and declares that the income generated by campaign committees often exceeds the income generated by many of Nebraska's small businesses. Yet campaign committees, unlike businesses, are exempt from federal and state income tax.

The Legislature further finds and declares that campaigning has become a full-fledged, profitable industry, that campaign committee income is a viable tax base, and that campaign committee income should be taxed at a rate approximately equal to the federal or state income tax burden shouldered by small businesses in the state, with an amount exempted from such income tax so as to allow sufficient funds to further the campaign committee's purposes.

Sec. 14. For purposes of the Campaign Committee Income Tax Act, the definitions found in sections 49-1404 to 49-1444 and sections 15 to 17 of this act shall be used.

Sec. 15. Allowable deduction shall mean (1) any loan repayment and interest on such loan paid by the candidate committee, (2) funds spent for meals, lodging, fees, and travel by an officeholder and his or her staff for professional seminars, meetings, and other events related to the duties of his or her public office when the seminar, meeting, or event is not held within the political subdivision of which the officeholder is a resident, (3) funds spent for books, magazines, or other publications or subscriptions for printed material that is not directly related to campaigning, elections, or fundraising, or (4) any legal fees or other expenses paid directly related to an election contest pursuant to sections 32-1001 to 32-1001.45.

Sec. 16. Election tax period shall mean the period beginning May 1 of the year following the beginning of the previous term of the office sought and ending on April 30 following the election for the office sought.

Sec. 17. Income shall mean cash and in-kind contributions received by a candidate committee and any loan to the committee which is not repaid within two years.

Sec. 18. There is hereby established a campaign committee income tax. Income received by a candidate committee in excess of the exemption provided in section 19 of this act shall be taxed at fifty percent. All revenue from the campaign committee income tax shall be deposited into the General Fund.

Sec. 19. Income of a candidate committee shall be exempt from the tax prescribed in section 18 of this act as follows:

(1) For a committee for a candidate for Governor, the first one and one-half million dollars of income received in each election tax period shall be exempt;

(2) For a committee for a candidate for Lieutenant Governor, State Treasurer, Secretary of State, Attorney General, or Auditor of Public Accounts, the first one hundred fifty thousand dollars of income received in each election tax period shall be exempt; and

(3) For a committee for a candidate for Legislature, the Public Service Commission, the Board of Regents of the University of Nebraska, or the State Board of Education, the first fifty thousand dollars of income received in each election tax period shall be exempt.

Sec. 20. At the time a campaign statement is filed pursuant to section 49-1459 or 49-1462, a candidate committee shall also file a campaign committee income tax return with the Department of Revenue. The return shall include a true and accurate copy of the campaign statement filed and a total of all income received by the candidate committee to date. The candidate committee shall also make a payment at the time the return is filed in an amount equal to fifty percent of all income received to date in excess of the applicable exemption provided in section 19 of this act. Any amount due but not paid at the time the return is filed shall accumulate interest at the rate specified in section 45-104.01, as such rate may from time to time be adjusted by the Legislature. The Tax Commissioner shall develop a form for the campaign committee income tax return.

Sec. 21. (1) A candidate for office shall be personally responsible for any unpaid taxes and penalties. All taxes due under the Campaign Committee Income Tax Act less the amount paid pursuant to section 20 of this act shall be paid not later than May 31 following the election tax period for which the tax is owed. The initial election tax period shall begin on the operative date of this act.

(2) A late penalty shall be imposed for each day that a filing and tax payment is late. The penalty

shall be ten percent of the tax owed and shall be assessed each day that the tax payment is late up to an amount of one hundred percent of the tax owed.

(3) A candidate who willfully fails to file or cause to be filed a campaign committee income tax return shall be guilty of a Class II misdemeanor.

Sec. 22. The Department of Revenue shall adopt and promulgate rules and regulations to carry out the Campaign Committee Income Tax Act.

Sec. 23. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.".

2. Renumber the remaining sections accordingly.

Mr. Lindsay withdrew his pending amendment.

Mr. Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 27:

Ashford
Baack
Beutler
Beyer
Bohlke
Byars
Chizek
Coordsen
Crosby
Hall
Hartnett
Hillman
Horgan
Johnson, L.
Kristensen
Landis
Lindsay
Morrissey
Nelson
Pirsch
Rasmussen
Robinson
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 1:

Chambers

Present and not voting, 20:

Abboud
Bernard-Stevens
Conway
Cudaback
Elmer
Haberman
Hefner
Johnson, R.
Labedz
Lamb
Lynch
Moore
Peterson
Robak
Rogers
Schellpeper
Schimek
Schmit
Schrock
Warner

Excused and not voting, 1:

Dierks

Advanced to E & R for engrossment with 27 ayes, 1 nay, 20 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 556A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 728. E & R amendment, AM5285, printed separately from the Journal and referred to on page 1769, was adopted.

Mrs. Crosby withdrew her pending amendment, AM3902, found in the Journal on page 1883.

Mr. Ashford asked unanimous consent to pass over LB 728. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 438. Introduced by Landis, 46.

WHEREAS, in 1984 the State of Nebraska condemned the policy of apartheid and adopted legislation which restricts certain South African-related investments; and

WHEREAS, the South African Government has since removed the obstacles to constitutional negotiations by releasing Mr. Nelson Mandela and other political prisoners, lifting the ban on the African National Congress and other political organizations, lifting the national state of emergency, and repealing the Group Areas Act, the Land Acts, and the Population Registration Act; and

WHEREAS, the South African Government, the African National Congress, and other major political parties are locked into a constitutional negotiation process at the Convention for a Democratic South Africa; and

WHEREAS, South African President F. W. de Klerk received a clear mandate in the March 1992 referendum from the white electorate to continue with negotiations which are aimed at extending full political rights to Black South Africans.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature approves of the reform process which will result in a truly democratic government installed in South Africa.
2. That the Legislature remains apprised of the reform process with a view to repealing the law restricting South African-related investments.

Laid over.

SELECT COMMITTEE REPORT
Rules

Your Committee on Rules whose Chairperson is Senator Dan Lynch to whom was referred Senator Ron Withem's Proposed Rule Change to amend Rule 3, Sections 2 and 11 and found on Journal page 358 instructs me to report the same back to the Legislature with the recommendation that it be considered for adoption by the Legislature.

(Signed) Dan Lynch, Chairperson

MESSAGE FROM THE GOVERNOR

April 9, 1992

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 922 and 922A were received in my office on April 7, 1992.

These bills were signed by me on April 9, 1992, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

SELECT FILE

LEGISLATIVE BILL 1184. E & R amendment, AM5283, printed separately from the Journal and referred to on page 1769, was adopted.

Mr. Landis renewed his pending amendment, AM3903, found in the Journal on page 1821.

SPEAKER BAACK PRESIDING

The Landis amendment was adopted with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

Mr. Wickersham renewed his pending amendment, AM4163, found in the Journal on page 2043.

The Wickersham amendment was adopted with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

Mrs. Rasmussen renewed her pending amendment, AM4174, found in the Journal on page 2089.

Mr. Bernard-Stevens offered the following amendment to the Rasmussen pending amendment:
FA397

Amend AM4174
Page 3, line 1, after "shall" insert "be no less than 8 hours annually and"

The Bernard-Stevens amendment was adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

The Rasmussen amendment, as amended, was adopted with 26 ayes, 0 nays, and 23 present and not voting.

Mr. Bernard-Stevens offered the following amendment:
AM4302

(Amendments to E & R amendments, AM5283)

1. Insert the following new section:

"Sec. 5. If a county or contiguous group of counties does not establish the teams required by sections 1 to 3 of this act, it shall establish a program of child abuse and neglect investigation and treatment services to accomplish the goals of section 1 of this act. Such program shall be submitted to the Nebraska Commission on Law Enforcement and Criminal Justice, prior to the operative date of this act, to ensure that such program meets the goals of section 1 of this act. If the commission does not recognize such program as meeting the goals of such section, the commission shall make recommendations for changes to the program and establish an appropriate time period for the changes to be adopted. In the event an agreement cannot be reached between the commission and the county or contiguous group of counties proposing the alternative program, sections 1 to 3 of this act shall be met with implementation to begin within one year.".

2. On page 9, line 15, strike "report" and insert "calls reporting abuse and neglect".

3. On page 10, lines 17 and 18, strike "as soon as possible" and insert "by the next working day".

4. In AM4174:

a. On page 1, line 2, strike "4" and insert "5"; and

b. Renumber section 5 as section 6.

The Bernard-Stevens amendment was adopted with 25 ayes, 0 nays, and 24 present and not voting.

Mr. Conway offered the following amendment:
AM4331

(Amendments to AM5283)

1. Insert the following new sections:

"Sec. 12. That section 83-4,124, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-4,124. It is hereby declared to be the policy of the State of Nebraska that all criminal detention facilities and juvenile detention facilities in the state shall conform to certain minimum standards of construction, maintenance, and operation.

To further such policy, the Jail Standards Board is hereby created. For administrative and budgetary purposes such board shall be within the Nebraska Commission on Law Enforcement and Criminal Justice. The board shall consist of the Director of Correctional Services or his or her designee and nine appointive members, three of whom shall be from each of the three congressional districts, to be appointed by the Governor. The appointive members of the board shall be appointed from recommendation lists containing at least three names from the Nebraska District Court Judges Association, the Nebraska Association of County Officials, the Nebraska County Sheriffs Association, the Nebraska State Bar Association, and the Police Officers Association of Nebraska. The members of the board shall be from the following areas: (1) One district judge; (2) two county commissioners or supervisors; (3) one county sheriff; (4) one municipal police chief; (5) one member of the Nebraska State Bar Association; (6) three lay people; and (7) the Director of Correctional Services or his or her designee.

The ~~term~~ terms of office for all members initially appointed shall be three years. Upon completion of the initial term of the board, the Governor shall appoint one member from each congressional district for a term of one year, one member from each congressional district for a term of two years, and one member from each congressional district for a term of three years. For purposes of this section, congressional district shall mean the congressional districts as they exist on July 19, 1980. Succeeding appointees shall be representative of the same congressional district and shall be appointed for terms of three years, except appointees to vacancies occurring from unexpired terms, in which case the successor shall serve out the term of his or her predecessor. Members whose terms have expired shall continue to serve until their successors have been appointed.

The members of the board shall serve without compensation, but they shall be reimbursed for their actual expenses while engaged in the performance of their official duties as provided in sections 81-1174 to 81-1177. ~~for state employees.~~

Sec. 13. That section 83-4,125, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-4,125. For the purposes of sections 83-4,124 to 83-4,134:

(1) Criminal ~~, criminal~~ detention facility shall mean any institution operated by a political jurisdiction or a combination of jurisdictions for the careful keeping or rehabilitative needs of adult or juvenile criminal offenders or those persons being detained while awaiting disposition of charges against them. Criminal detention facilities ~~are~~ shall be defined as follows:

~~(1)~~ (a) Type I Facilities shall mean criminal detention facilities used for the detention of persons for not more than twenty-four hours, excluding holidays and weekends;

~~(2)~~ (b) Type II Facilities shall mean criminal detention facilities used for the detention of persons for not more than ninety-six hours, excluding holidays and weekends; and

~~(3)~~ (c) Type III Facilities shall mean criminal detention facilities used for the detention of persons beyond ninety-six hours; and

(2) Juvenile detention facility shall mean an institution operated by a political subdivision or political subdivisions for the secure custody and treatment of persons younger than eighteen years of age, including persons under the jurisdiction of a juvenile court, who are serving a sentence pursuant to a conviction in a county or district court or who are detained while waiting disposition of charges against them.

Sec. 14. That section 83-4,126, Revised Statutes Supplement, 1990, be amended to read as follows:

83-4,126. The Jail Standards Board shall have the authority and responsibility:

(1) To develop minimum standards for the construction, maintenance, and operation of ~~such~~ criminal detention facilities;

(2) To perform such other duties as may be necessary to carry out the policy of the state regarding such criminal detention facilities and juvenile detention facilities as stated in sections 83-4,124 to 83-4,134; and

(3) Consistent with the purposes and objectives of the Juvenile Services Act, to develop standards for juvenile detention facilities, including, but not limited to, standards for physical facilities, care, programs, and disciplinary procedures, and to develop guidelines pertaining to the operation of such facilities.

Sec. 15. That section 83-4,131, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-4,131. Personnel of the Nebraska Commission on Law Enforcement and Criminal Justice shall visit and inspect each criminal detention facility and juvenile detention facility in the state for the purpose of determining the conditions of confinement, the treatment of ~~prisoners~~ persons confined in the facilities, and whether such facilities comply with the minimum standards established by the ~~board~~ Jail Standards Board. A written report of each inspection shall be made within thirty days following such inspection to the appropriate governing body and the district judge responsible for the criminal detention facility or juvenile detention facility involved. The report shall specify those areas in which the facility does not comply with the required minimum standards.

Sec. 16. That section 83-4,132, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-4,132. If an inspection under ~~this act~~ sections 83-4,124 to 83-4,134 discloses that the criminal detention facility or juvenile detention facility does not meet the minimum standards established by the Jail Standards Board, the board shall send notice, together with the inspection report, to the governing body responsible for the facility. A copy of such inspection report ~~required by this act~~ shall also be sent to the district judge of the judicial district in which such facility is located. The appropriate governing body and the district judge shall promptly meet to consider the inspection report, and the inspection personnel shall appear to advise and consult concerning appropriate corrective action. The governing body shall then initiate appropriate corrective action within six months of the receipt of such inspection report~~;~~ or may voluntarily close the facility or the objectionable portion thereof.

Sec. 17. That section 83-4,133, Revised Statutes Supplement, 1991, be amended to read as follows:

83-4,133. If ~~such~~ the governing body of the juvenile detention facility or criminal detention facility fails to initiate corrective action within six months of the receipt of such inspection report, fails to correct the disclosed conditions, or fails to close the criminal detention facility or juvenile detention facility or the objectionable portion thereof, the Jail Standards Board may petition the district court within the judicial district in which ~~the~~ such facility is located to close ~~such~~ the facility. Such petition shall include the inspection report regarding such facility. The local governing body shall then have thirty days to respond to such petition and shall serve a copy of the response on the Jail Standards Board by certified mail, return receipt requested. Thereafter, a hearing shall be held on the petition before the district court, and an order shall be rendered by such court which either:

(1) Dismisses the petition of the Jail Standards Board;

(2) Directs that corrective action be initiated in some form by the local governing body of the facility in question; or

(3) Directs that the facility be closed. An appeal from the decision of the district court may be taken to the Court of Appeals.

Sec. 18. That section 83-4,134, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-4,134. Sections 83-4,124 to 83-4,134 shall be implemented upon completion of the development of minimum standards by the Jail Standards Board. Thereafter, inspections shall begin, but no criminal detention facility or juvenile detention facility shall be closed within one year of the date of first filing of the minimum standards in the office of the Secretary of State. After one year from the date of first filing of the minimum standards, a facility may be closed for any violation of the minimum standards. Those standards relating to the construction of the facility itself~~,~~ and its plumbing, heating, and wiring systems~~,~~ shall not be enforced so as to require the closing of any facility for a period of two years from the date of the first filing of the minimum standards unless such violations are of immediate danger to the safety of the ~~prisoners~~ persons confined in the facility or facility personnel, in which case such period shall be one year.".

2. On page 21, line 6, strike "and 43-2,107" and insert "43-2,107, 83-4,124, 83-4,125, 83-4,131, 83-4,132, and 83-4,134"; in line 7 strike "and 43-285" and insert "43-285, and 83-4,126"; in line 8 strike "section 28-101" and insert "sections 28-101 and 83-4,133"; and in line 9 after "also" insert "section 83-944, Reissue Revised Statutes of Nebraska, 1943, and".

3. Renumber the remaining section accordingly.

The Conway amendment was adopted with 25 ayes, 0 nays, and 24 present and not voting.

Mr. Wesely offered the following amendment:
FA398

Amend LB 1184 by adding a new section as follows:

If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration of invalidity shall not affect the validity of the remaining portions thereof.

The Wesely amendment was adopted with 27 ayes, 0 nays, and 22 present and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1184A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 1240. E & R amendment, AM5288, found in the Journal on page 2013, was adopted.

Mr. Conway renewed his pending amendment, AM4093, found in the Journal on page 2023.

The Conway amendment was adopted with 25 ayes, 0 nays, and 24 present and not voting.

Mr. Beutler withdrew his pending amendment, AM4121, found in the Journal on page 2029.

Messrs. Hartnett, Beutler, and Chambers offered the following amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM4267.)

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

The Hartnett-Beutler-Chambers amendment was adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

Advanced to E & R for engrossment.

MOTION - Overrule Agenda

Mr. Landis moved to overrule the agenda to permit consideration of LB 1240A.

Mr. Landis withdrew his motion to overrule the agenda.

SELECT FILE

LEGISLATIVE BILL 1059. E & R amendment, AM5289, found in the Journal on page 2014, was adopted.

Mr. Beutler offered the following amendment:
AM4088

1. Insert the following new section:

"Sec. 2. That section 24-503, Revised Statutes Supplement, 1991, be amended to read as follows:

24-503. ~~(1)~~ For the purpose of serving the county courts in each county, the following twenty-one county judge districts are hereby created. ~~, which districts shall be the same as those established by section 24-301.02, except that:~~

(1) District 1 shall contain the counties of Johnson, Pawnee, Nemaha, and Richardson;

(2) District 2 shall contain the counties of Sarpy, Cass, and Otoe;

(3) District 3 shall contain the county of Lancaster;

(4) District 4 shall contain the county of Douglas;

(5) District 5 shall contain the counties of Hamilton, Polk, York, Butler, Seward, and Saunders;

(6) ~~(a)~~ District 6 shall consist of the counties of Burt, Dodge, and Washington;

(7) District 7 shall contain the counties of Fillmore, Saline, Thayer, and Nuckolls;

(8) ~~(b)~~ District 8 shall consist of the counties of Dakota, Dixon, Cedar, and Thurston;

(9) District 9 shall contain the counties of Knox, Antelope, Cuming, Pierce, Madison, Stanton, and Wayne;

(10) District 10 shall contain the counties of Adams, Clay, Phelps, Kearney, Harlan, Franklin, and Webster;

(11) District 11 shall contain the counties of Hall and Howard;

(12) District 12 shall contain the counties of Sherman and Buffalo;

(13) District 13 shall contain the counties of McPherson, Logan, Lincoln, Dawson, Keith, Arthur, Hooker, and Thomas;

(14) District 14 shall contain the counties of Chase, Hayes, Frontier, Furnas, Red Willow, Hitchcock,

Perkins, Gosper, and Dundy;

(15) District 15 shall contain the counties of Brown, Keya Paha, Boyd, Rock, Holt, and Cherry;

(16) ~~(c)~~ District 16 shall consist of the counties of Sheridan, Grant, Dawes, Box Butte, and Sioux;

(17) ~~(d)~~ District 17 shall consist of the counties of Scotts Bluff, Morrill, and Garden; ~~and~~

(18) District 18 shall contain the counties of Jefferson and Gage;

(19) ~~(e)~~ District 19 shall consist of the counties of Banner, Kimball, Cheyenne, and Deuel;

(20) District 20 shall contain the counties of Blaine, Loup, Garfield, Greeley, Wheeler, Valley, and Custer; and

(21) District 21 shall contain the counties of Boone, Platte, Colfax, Nance, and Merrick.

(2) District 4 shall have eleven county judges. District 3 shall have six county judges. Districts 2, 5, 9, 13, and 21 shall have three county judges. Districts 6, 7, 8, 10, 11, 12, 14, 15, 16, 17, and 19 shall have two county judges. Districts 1, 18, and 20 shall have one county judge.

(3) Judge of the county court shall include any person appointed to the office of county judge or municipal judge prior to July 1, 1985, pursuant to Article V, section 21, of the Constitution of Nebraska.

(4) Any person serving as a municipal judge in district 3 or 4 immediately prior to July 1, 1985, shall be a judge of the county court and shall be empowered to hear only those cases as provided in section 24-517 which the presiding judge of the county court for such district, with the concurrence of the Supreme Court, shall direct.".

2. In the Beutler amendment, AM3825:

a. On page 1, line 2, strike "2" and insert "3".

b. On page 4, line 18, after "24-301.02" insert ", 24-503,".

3. Renumber the remaining sections accordingly.

Mr. Beutler withdrew his pending amendment.

MR. CONWAY PRESIDING

Mr. Kristensen withdrew his pending amendment, AM4246, found in the Journal on page 2103.

Messrs. Beutler, Wickersham, Chizek, and Kristensen offered the following amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM4320.)

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

The Beutler et al. amendment was adopted with 27 ayes, 1 nay, 19 present and not voting, and 2 excused and not voting.

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for engrossment.

SPEAKER BAACK PRESIDING

LEGISLATIVE BILL 672. E & R amendment, AM5292, printed separately from the Journal and referred to on page 2092, was adopted.

Mrs. Nelson offered the following amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM4294.)

The Nelson amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 562. E & R amendment, AM5184, found in the Journal on page 256, was adopted.

Advanced to E & R for engrossment.

WITHDRAW - Amendments to LB 1241

Mr. Withem withdrew his pending amendments, FA351 and AM4085, found in the Journal on pages 1830 and 2020.

Mr. Robinson and Mrs. Rasmussen withdrew their pending amendment, AM3865, found in the Journal on page 1861.

MOTION - Return LB 1241 to Select File

Mr. Peterson moved to return LB 1241 to Select File for the following Peterson-Withem specific amendment:
AM4104

(Amendments to Final Reading copy)

1. Strike section 1 and insert the following new sections:

"Section 1. It is the intent of the Legislature to centralize and coordinate the real property resources owned and leased by the state. Currently many state buildings are left vacant by agencies as new leases are signed and agencies' missions change. Without centralized authority and expertise to allocate, maintain, and renovate current buildings, the state will continue to lease more space from outside sources, thus increasing state expenditures. To facilitate the goal of centralized authority, the changes proposed by this legislative bill are required.

Sec. 2. Until June 30, 1993, the Department of Administrative Services shall be limited to the same rental rate on the Stone Office Building at the Norfolk Regional Center as existed on January 1, 1992. The Department of Social Services shall be limited to reimbursement from the counties maintaining office space in the Stone Office Building pursuant to section 68-130 in the same amount such counties paid for rental of such space on January 1, 1992.".

2. On page 1, line 8, strike "appropriate funds" and insert "limit a rental rate and reimbursement as prescribed".

3. On page 7, line 24, strike "29 and 30" and insert "30 and 31".

4. On page 36, like 8, strike "24 and 25" and insert "25 and 26".

5. Renumber the remaining sections accordingly.

The Peterson motion to return prevailed with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1241. The Peterson-Withem specific amendment, AM4104, found in this day's Journal, was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 319 to Select File

Mr. Kristensen moved to return LB 319 to Select File for his specific amendment, AM3715, found in the Journal on page 1959.

The Kristensen motion to return prevailed with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Mrs. Rasmussen asked unanimous consent to be excused until she returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 319. The Kristensen specific amendment, AM3715, found in the Journal on page 1959, was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Advanced to E & R for reengrossment.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

WITHDRAW - Amendments to LB 1000

Mr. Wickersham withdrew his pending amendment, AM3283, found in the Journal on page 1222, to LB 1000.

Messrs. Wickersham and Beutler withdrew their pending amendment, AM3655, found in the Journal on page 1562, to LB 1000.

MOTION - Return LB 126 to Select File

Mr. Lynch moved to return LB 126 to Select File for his specific amendment, AM3119, found in the Journal on page 1012.

Pending.

UNANIMOUS CONSENT - Members Excused

Messrs. Elmer and Coordsen asked unanimous consent to be excused until they return. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 1240A. Messrs. Landis and Hall asked unanimous consent to replace their pending amendment, AM4073, printed separately from the Journal and referred to on page 1979, with a substitute amendment. No objections. So ordered.

Messrs. Landis and Hall withdrew their pending amendment, AM4073, printed separately from the Journal and referred to on page 1979.

Mr. Landis moved to suspend the rules, Rule 7, Section 3(d) to permit consideration of AM4255 to LB 1240A.

MR. CONWAY PRESIDING

Messrs. Schellpeper and Abboud asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Landis moved the previous question. The question is, "Shall the debate now close?"

Mr. Landis moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

The motion to cease debate prevailed with 25 ayes, 10 nays, and 14 not voting.

Mr. Landis requested a roll call vote on his motion to suspend the rules.

Voting in the affirmative, 29:

Ashford
Baack
Bernard-Stevens
Beutler
Bohlke
Byars
Chambers
Chizek
Conway
Cudaback
Dierks
Hall
Hartnett
Hillman
Horgan
Labedz
Landis
Lindsay
Lynch
Morrissey
Nelson
Robak
Rogers
Schimek
Warner
Wesely
Wickersham
Will
Withem

Voting in the negative, 12:

Beyer
Crosby
Hefner
Johnson, L.
Johnson, R.
Kristensen
Lamb
Moore
Pirsch
Robinson

Schmit Wehrbein

Present and not voting, 2:

Peterson Schrock

Excused and not voting, 6:

Abboud Elmer Haberman Rasmussen Schellpeper
Coordsen

The Landis motion to suspend the rules lost with 29 ayes, 12 nays, 2 present and not voting, and 6 excused and not voting.

Mr. Hall moved to reconsider the vote to suspend the Rules.

SPEAKER BAACK PRESIDING

Mr. Moore raised a point of order on whether the Hall motion is in order.

The Chair ruled the Hall motion is out of order pursuant to Rule 7, Section 7A, as he did not vote with prevailing side.

The Chair declared the call raised.

Mrs. Labedz asked unanimous consent to be excused. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 308.

A BILL FOR AN ACT relating to public health and welfare; to define terms; to create a registry of persons with brain or head injury; to provide duties for the Department of Health, other state agencies, health care facilities, and medical personnel; to provide for rules and regulations; to provide for confidentiality of information; to provide for immunity as prescribed; and to provide a termination date.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud
Ashford
Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Byars
Chizek
Conway
Coordsen
Crosby
Cudaback
Dierks
Hall
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Johnson, R.
Kristensen
Lamb
Landis
Lindsay
Lynch
Morrissey
Nelson
Peterson
Robak
Robinson
Rogers
Schimek
Schmit
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 0.

Present and not voting, 3:

Chambers
Moore
Pirsch

Excused and not voting, 5:

Elmer
Haberman
Labedz
Rasmussen
Schellpeper

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 308A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 308, Ninety-second Legislature, Second Session, 1992.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Abboud
Ashford
Baack
Bernard-Stevens
Beyer
Bohlke
Byars
Chizek
Conway
Coordsen
Crosby
Cudaback
Dierks
Hall
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Johnson, R.
Kristensen
Lamb
Landis
Lindsay
Lynch
Morrissey
Nelson
Peterson
Robak
Rogers
Schimek
Schmit
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 0.

Present and not voting, 5:

Beutler
Chambers
Moore
Pirsch
Robinson

Excused and not voting, 5:

Elmer
Haberman
Labedz
Rasmussen
Schellpeper

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 677.

A BILL FOR AN ACT relating to long-term care facilities; to amend sections 71-2023, 71-5906, 71-6019, 71-6021, and 71-6035, Reissue Revised Statutes of Nebraska, 1943, and section 71-2017.07, Revised Statutes Supplement, 1991; to adopt the Long-Term Care Ombudsman Act; to provide grounds for denial or discipline of licenses; to provide for access to certain facilities; to prohibit discrimination or retaliation as prescribed; to harmonize provisions; to eliminate provisions relating to access to records by the long-term care ombudsman; and to repeal the original sections, and also section 81-2214.01, Revised Statutes Supplement, 1991.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud
Ashford
Baack
Bernard-Stevens
Beyer
Bohlke
Byars
Chizek
Conway
Coordsen
Crosby
Cudaback
Dierks
Elmer
Hall
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Johnson, R.
Kristensen
Lamb
Landis
Lindsay
Lynch
Moore
Morrissey
Nelson
Peterson
Pirsch
Robak
Robinson
Rogers
Schellpeper
Schimek
Schmit
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 0.

Present and not voting, 2:

Beutler
Chambers

Excused and not voting, 3:

Haberman
Labedz
Rasmussen

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Will asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 677A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 677, Ninety-second Legislature, Second Session, 1992.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud
Ashford
Baack
Bernard-Stevens
Beyer
Bohlke
Byars
Chizek
Conway
Coordsen
Crosby
Cudaback
Dierks
Elmer
Hall
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Johnson, R.
Kristensen
Lamb
Landis
Lindsay
Moore
Morrissey
Nelson
Peterson
Pirsch
Robak
Robinson
Rogers
Schellpeper
Schimek
Schmit
Schrock
Warner
Wehrbein
Wesely
Wickersham

Voting in the negative, 0.

Present and not voting, 4:

Beutler
Chambers
Lynch
Withem

Excused and not voting, 4:

Haberman
Labedz
Rasmussen
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 706.

A BILL FOR AN ACT relating to historic preservation; to establish the Task Force on Historic Preservation; to state intent; to provide powers and duties; and to provide for termination of the task force.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud
Ashford
Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Byars
Chizek
Conway
Coordsen
Crosby
Cudaback
Dierks
Elmer
Hall
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Johnson, R.
Kristensen
Lamb
Landis
Lindsay
Lynch
Moore
Morrissey
Nelson
Peterson
Pirsch
Robak
Robinson
Rogers
Schellpeper
Schimek
Schmit
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 3:

Haberman
Labedz
Rasmussen

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 706A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 706, Ninety-second Legislature, Second Session, 1992.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud
Ashford
Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Byars
Chizek
Conway
Coordsen
Crosby
Cudaback
Dierks
Elmer
Hall
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Johnson, R.
Kristensen
Lamb
Landis
Lindsay
Lynch
Moore
Morrissey
Nelson
Peterson
Pirsch
Robak
Robinson
Rogers
Schellpeper
Schimek
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 0.

Present and not voting, 2:

Chambers
Schmit

Excused and not voting, 3:

Haberman
Labedz
Rasmussen

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 734.

A BILL FOR AN ACT relating to real estate; to create a statewide file on real estate sales; to create a fund; and to require the Department of Revenue to study matters relating to assessors.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud
Baack
Bernard-Stevens
Beyer
Bohlke
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Cudaback
Dierks

Elmer
Hall
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Johnson, R.
Kristensen
Lamb
Landis
Lindsay
Lynch
Moore
Morrissey
Nelson
Peterson
Pirsch
Robak
Robinson
Rogers
Schellpeper
Schimek
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 0.

Present and not voting, 3:

Ashford
Beutler
Schmit

Excused and not voting, 3:

Haberman
Labedz
Rasmussen

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 734A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 734, Ninety-second Legislature, Second Session, 1992.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud
Baack
Bernard-Stevens
Beyer
Bohlke
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Cudaback
Dierks
Elmer
Hall
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Johnson, R.
Kristensen
Lamb
Landis
Lindsay
Lynch
Moore
Morrissey
Nelson
Peterson
Pirsch
Robak
Robinson
Rogers
Schellpeper
Schimek
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 0.

Present and not voting, 3:

Ashford
Beutler
Schmit

Excused and not voting, 3:

Haberman
Labedz
Rasmussen

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 877. With Emergency.

A BILL FOR AN ACT relating to elevators; to amend sections 48-418.09 and 48-418.10, Reissue Revised Statutes of Nebraska, 1943; to change fees charged for inspections; to create a fund; to provide an operative date; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Abboud
Ashford
Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Cudaback
Dierks
Elmer
Hall
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Johnson, R.
Kristensen
Lamb
Landis
Lindsay
Lynch
Moore
Morrissey
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schimek
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 0.

Present and not voting, 2:

Robinson
Schmit

Excused and not voting, 3:

Haberman
Labedz
Rasmussen

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 877A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 877, Ninety-second Legislature, Second Session, 1992; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Abboud
Ashford
Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Cudaback
Dierks
Elmer
Hall
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Johnson, R.
Kristensen
Lamb
Landis
Lindsay
Lynch
Moore
Morrissey
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schimek
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 0.

Present and not voting, 2:

Robinson
Schmit

Excused and not voting, 3:

Haberman
Labedz
Rasmussen

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 982.

A BILL FOR AN ACT relating to warrants; to amend section 77-2205, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to state warrants; to provide for credit of certain unpaid warrants to the General Fund; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud
Ashford
Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Cudaback
Dierks
Elmer
Hall
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Johnson, R.
Kristensen
Lamb
Landis
Lindsay
Lynch
Moore
Morrissey
Nelson
Peterson
Pirsch
Robak
Robinson
Schellpeper
Schimek
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 0.

Present and not voting, 2:

Rogers
Schmit

Excused and not voting, 3:

Haberman
Labedz
Rasmussen

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 982A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 982, Ninety-second Legislature, Second Session, 1992.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud
Ashford
Baack

Bernard-Stevens
Beutler
Beyer
Bohlke
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Cudaback
Dierks
Elmer
Hall
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Johnson, R.
Kristensen
Lamb
Landis
Lindsay
Lynch
Moore
Morrissey
Nelson
Peterson
Pirsch
Robak
Robinson
Rogers
Schellpeper
Schimek
Schmit
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 0.

Excused and not voting, 3:

Haberman
Labedz
Rasmussen

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1000.

A BILL FOR AN ACT relating to persons under disability; to amend section 30-2603, Reissue Revised Statutes of Nebraska, 1943; to change the amount payable to a minor without a conservator; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud
Ashford
Baack
Bernard-Stevens
Beyer
Bohlke
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Cudaback
Dierks
Elmer
Hall
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Johnson, R.
Kristensen
Lamb
Landis
Lindsay
Lynch
Moore
Morrissey
Nelson
Peterson
Pirsch
Robak
Robinson
Rogers
Schellpeper
Schimek
Schmit
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 0.

Present and not voting, 1:

Beutler

Excused and not voting, 3:

Haberman
Labedz
Rasmussen

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Messrs. Lamb and Wesely asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 428.

A BILL FOR AN ACT relating to health care services; to adopt the Utilization Review Certification Act; and to provide severability.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud
Ashford
Baack
Bernard-Stevens
Beyer
Bohlke
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Cudaback
Dierks
Elmer
Hall
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Johnson, R.
Kristensen
Landis
Lindsay
Lynch
Moore
Morrissey
Nelson
Peterson
Pirsch
Robak
Robinson
Rogers
Schellpeper
Schimek
Schmit
Schrock
Warner
Wehrbein
Wickersham
Will
Withem

Voting in the negative, 0.

Present and not voting, 1:

Beutler

Excused and not voting, 5:

Haberman
Labedz
Lamb
Rasmussen
Wesely

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 308, 308A, 677, 677A, 706, 706A, 734, 734A, 877, 877A, 982, 982A, and 1000.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 428A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 428, Ninety-second Legislature, Second Session, 1992.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud
Ashford
Baack
Beyer
Bohlke
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Cudaback
Dierks
Elmer
Hall
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Johnson, R.
Kristensen
Landis
Lindsay
Lynch
Moore
Nelson
Peterson
Pirsch
Robak
Robinson
Rogers
Schellpeper
Schimek
Schmit
Schrock
Warner
Wehrbein
Wickersham
Will
Withem

Voting in the negative, 0.

Present and not voting, 3:

Bernard-Stevens
Beutler
Morrissey

Excused and not voting, 5:

Haberman
Labedz
Lamb
Rasmussen
Wesely

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 946. With Emergency.

A BILL FOR AN ACT relating to legislative districts; to amend section 50-1152, Revised Statutes Supplement, 1991; to change an operative date; to change provisions relating to representation as prescribed; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 33:

Abboud
Ashford
Baack
Bernard-Stevens
Beutler
Bohlke
Byars
Chambers
Chizek
Conway
Coordsen
Dierks
Hall
Hartnett
Hefner
Hillman
Horgan
Johnson, R.
Kristensen
Landis
Lindsay
Lynch
Moore
Nelson
Robak
Rogers
Schimek
Schmit
Schrock
Wehrbein
Wickersham
Will
Withem

Voting in the negative, 10:

Beyer
Crosby
Cudaback
Elmer
Johnson, L.
Peterson
Pirsch
Robinson
Schellpeper
Warner

Present and not voting, 1:

Morrissey

Excused and not voting, 5:

Haberman
Labedz
Lamb
Rasmussen
Wesely

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

WITHDRAW - Amendment to LB 1057

Mrs. Nelson and Mr. Moore withdrew their pending amendment, AM3779, found in the Journal on page 1723, to LB 1057.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1057.

A BILL FOR AN ACT relating to the Retirement System for Nebraska Counties; to amend sections 23-2307, 23-2308, and 23-2310, Reissue Revised Statutes of Nebraska, 1943; to change the amount of a member's contribution; to specify the composition of payments to the primary carrier; to change provisions relating to a member's employer account; to provide operative dates; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Abboud
Ashford
Baack
Beyer
Bohlke
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Cudaback
Dierks
Elmer
Hall
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Johnson, R.
Kristensen
Landis
Lindsay
Lynch
Nelson
Peterson
Pirsch
Robak
Robinson
Rogers
Schellpeper
Schimek
Schmit
Schrock
Warner
Wehrbein
Wickersham
Will
Withem

Voting in the negative, 0.

Present and not voting, 4:

Bernard-Stevens
Beutler
Moore
Morrissey

Excused and not voting, 5:

Haberman
Labedz
Lamb
Rasmussen
Wesely

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Chizek asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 111.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-514, 28-518, 28-611, and 29-2280, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to theft and issuing a bad check; to authorize court-ordered restitution as prescribed; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 32:

Ashford
Baack
Bernard-Stevens
Beyer
Bohlke
Byars
Conway
Coordsen
Crosby
Cudaback
Dierks
Elmer
Hefner
Hillman
Johnson, L.
Johnson, R.
Kristensen
Landis
Lindsay
Moore
Nelson
Peterson
Pirsch
Robak
Robinson
Rogers
Schellpeper
Schrock
Warner
Wehrbein
Wickersham
Will

Voting in the negative, 2:

Chambers
Schmit

Present and not voting, 9:

Abboud
Beutler
Hall
Hartnett
Horgan
Lynch
Morrissey
Schimek
Withem

Excused and not voting, 6:

Chizek
Haberman
Labedz
Lamb
Rasmussen
Wesely

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 573.

A BILL FOR AN ACT relating to political subdivisions; to amend sections 2-3229, 81-829.46, 84-135, and 84-304, Reissue Revised Statutes of Nebraska, 1943, section 81-1201.08, Revised Statutes Supplement, 1990, section 71-5653, Revised Statutes Supplement, 1991, and section 70-612, Reissue Revised Statutes of Nebraska, 1943, as amended by section 18, Legislative Bill 424, Ninety-second Legislature, Second Session, 1992; to create Nebraska planning and development regions; to authorize the formation of development districts; to provide for distribution of financial assistance; to provide powers and duties; to authorize additional representation on boards of directors of public power districts and public power and irrigation districts; to eliminate provisions relating to councils of government, regional planning bodies, designation of regions, and distribution of financial assistance; to harmonize provisions; to provide severability; and to repeal the original sections, and also sections 84-142 to 84-150, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud
Ashford
Baack
Bernard-Stevens
Beyer
Bohlke
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Cudaback
Dierks
Elmer
Hall
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Johnson, R.
Kristensen
Landis
Lindsay
Lynch
Moore
Morrissey
Nelson
Peterson
Pirsch
Robinson
Rogers
Schellpeper
Schimek
Schrock
Warner
Wehrbein
Wickersham
Will
Withem

Voting in the negative, 0.

Present and not voting, 3:

Beutler
Robak
Schmit

Excused and not voting, 5:

Haberman
Labedz
Lamb
Rasmussen
Wesely

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 245 to Select File

Mr. Withem moved to return LB 245 to Select File for the following specific amendment:
FA399
Strike Section 1

Messrs. Conway and Elmer asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Withem withdrew his motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 245. With Emergency.

A BILL FOR AN ACT relating to schools and school districts; to amend sections 10-716.01 and 23-3306, Reissue Revised Statutes of Nebraska, 1943, sections 43-2007, 77-3438.01, 79-101.01, 79-101.02, 79-201.09, 79-402, 79-402.03, 79-402.04, 79-402.13 to 79-402.20, 79-426.02, 79-426.19, 79-426.28, 79-436, 79-437.03, 79-438.08, 79-438.12, 79-445, 79-446.01 to 79-448, 79-449.01, 79-451, 79-458, 79-494, 79-497, 79-498, 79-4,102, 79-4,103, 79-4,104, 79-4,105.01, 79-4,158.01, 79-4,159, 79-4,222, 79-4,224, 79-516.08, 79-547.04, 79-606 to 79-610, 79-701, 79-1103, 79-1247.05, 79-1247.07, 79-1254.02, 79-12,115.01, 79-1303, 79-1304, 79-1369, 79-1914, 79-2212, 79-3304, 79-3336, 79-3415, 79-3703, 79-3803, 79-3804, 79-3806, 79-3807, 79-3808, 79-3809, 79-3810, 79-3811, 79-3813, 79-3815, 79-3817, 79-3820, 79-3822, 79-3823, and 79-3824, Revised Statutes Supplement, 1991, sections 77-3437, 77-3438, 79-2203, 79-3816, 79-3818, and 79-3819, Revised Statutes Supplement, 1991, as amended by sections 190, 191, 200, 203, 204, and 205, respectively, Legislative Bill 1063, Ninety-second Legislature, Second Session, 1992, Laws 1988, LB 940, section 19, as amended by Laws 1991, LB 511, section 90, Laws 1988, LB 940, section 18, as amended by Laws 1990, LB 259, section 34, and by Laws 1991, LB 511, section 89, and Laws 1991, LB 511, sections 91 to 94; to create the Nebraska Schools Accountability Commission; to state intent; to provide for membership on the commission; to provide powers and duties; to provide a termination date; to create a fund; to restate and eliminate provisions relating to education and appropriations; to provide for the validity of certain acts and appropriations; to provide severability; to repeal the original sections, and also sections 79-493, 79-4,160, 79-1247.15, 79-12,142 to 79-12,144, 79-12,146 to 79-12,152, and 79-1912, Reissue Revised Statutes of Nebraska, 1943, and sections 79-438.09 to 79-438.11, 79-4,223, and 79-12,145, Revised Statutes Supplement, 1990; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 30:

Abboud
Ashford
Baack
Beutler
Bohlke
Chambers
Chizek
Conway
Crosby
Dierks
Hall
Hartnett
Hillman
Horgan
Kristensen
Landis
Lindsay
Lynch
Moore
Morrissey
Nelson
Robinson
Schimek
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 13:

Bernard-Stevens
Beyer
Byars
Coordsen
Cudaback
Hefner
Johnson, L.
Johnson, R.
Lamb
Pirsch
Robak
Schellpeper
Schmit

Present and not voting, 2:

Peterson
Rogers

Excused and not voting, 4:

Elmer
Haberman
Labedz
Rasmussen

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached.

MOTION - Reconsider Action on LB 245

Mr. Bernard-Stevens moved to reconsider the vote of LB 245 with the emergency clause attached.

The Bernard-Stevens motion to reconsider prevailed with 34 ayes, 5 nays, 6 present and not voting, and 4 excused and not voting.

BILLS ON FINAL READING

The following bill was put upon final passage:

LEGISLATIVE BILL 245. With Emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 33:

Abboud
Ashford
Baack
Bernard-Stevens
Beutler
Bohlke
Chambers
Chizek
Conway
Crosby
Dierks
Hall
Hartnett
Hillman
Horgan
Kristensen
Landis
Lindsay
Lynch
Moore
Morrissey
Nelson
Robak
Robinson
Schellpeper
Schimek
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 10:

Beyer
Byars
Coordsen
Cudaback
Hefner
Johnson, L.
Johnson, R.
Lamb
Pirsch
Schmit

Present and not voting, 2:

Peterson
Rogers

Excused and not voting, 4:

Elmer
Haberman
Labedz
Rasmussen

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 245A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 245, Ninety-second Legislature, Second Session, 1992; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 34:

Abboud
Ashford
Baack
Bernard-Stevens
Beutler
Bohlke
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Hall
Hartnett
Hillman
Horgan
Johnson, R.
Landis
Lindsay
Lynch
Moore
Morrissey
Nelson
Robak
Robinson
Schellpeper
Schimek
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 8:

Beyer
Byars
Cudaback
Hefner
Johnson, L.
Lamb
Pirsch
Schmit

Present and not voting, 3:

Kristensen
Peterson
Rogers

Excused and not voting, 4:

Elmer
Haberman
Labedz
Rasmussen

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Mr. Ashford asked unanimous consent to be excused. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 339, 360, 431, 556, 556A, 835, 899, 1001, 1063A, 1098, 1192, and 1192A.

Enrollment and Review Change to LB 360

The following changes, required to be reported for publication in the Journal, have been made:
ER7173

1. In the Kristensen amendment, AM3830, on page 4, line 9, the stricken "by the" has been reinstated.
2. In the Coordsen amendment, AM3382, on page 22, line 10, the last comma has been struck.
3. In the E & R amendments, AM5269, amendment 2 has been struck.
4. On page 1, the matter beginning with "workers' " in line 1 through line 9 has been struck and "courts; to amend sections 8-1736, 13-512, 48-120, 48-155, 48-156, 48-163, 48-169, 48-170, 48-178, 48-179, 48-180, and 55-444, Reissue Revised Statutes of Nebraska, 1943, section 48-1,110, Revised Statutes Supplement, 1990, sections 24-1104, 25-1140, 25-1315.03, 25-21,167, 29-116, 29-2315.01, 29-2316, 42-351, 43-2,126, 46-210, 48-125, 48-182, 48-185, 48-808, 48-812, 55-445, 70-1326, 75-136, 75-137, 75-138, 77-1609, 77-1610, 81-1387, 83-1224, and 85-1418, Revised Statutes Supplement, 1991, and section 77-1510, Revised Statutes Supplement, 1991, as amended by section 128, Legislative Bill 1063, Ninety-second Legislature, Second Session, 1992; to change provisions relating to appeals to the Court of Appeals and Supreme Court; to harmonize provisions with the creation of the Court of Appeals; to change provisions relating to schedules of fees; to eliminate rehearings; to provide for attorney's fees and expedited hearings; to provide for court reporters, review procedures, and the correction of patent or obvious errors; to provide for the applicability of provisions; to harmonize provisions; and to repeal the original sections." inserted.

Enrollment and Review Change to LB 556

The following changes, required to be reported for publication in the Journal, have been made:
ER7177

1. In the E & R amendment, AM5280, on page 8, line 8, "candidates" has been struck and "a candidate" inserted.

Enrollment and Review Change to LB 835

The following changes, required to be reported for publication in the Journal, have been made:
ER7172

1. In AM4166, on page 2, line 4, "act" has been struck and "Comprehensive Health Insurance Pool Act" inserted.
2. On page 1, the matter beginning with "insurance" in line 1 through line 13 and all amendments thereto have been struck and "public health and welfare; to amend section 44-4233, Reissue Revised Statutes of

Nebraska, 1943, and sections 44-4228 and 80-401.01, Revised Statutes Supplement, 1991; to authorize coverage under the Comprehensive Health Insurance Pool for persons whose health coverage is involuntarily terminated; to change assessment provisions under the pool; to provide for coordination of pool coverage and veterans' benefits; to define terms relating to veterans; to repeal the original sections; and to declare an emergency." inserted.

Enrollment and Review Change to LB 1063A

The following changes, required to be reported for publication in the Journal, have been made:
ER7174

1. On page 1, the matter beginning with "aid" in line 3 through "1992" in line 5 has been struck and "the Department of Revenue" inserted; and in line 6 "and the Legislative Council" has been inserted after "Treasurer".

(Signed) Eric Will, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 9, 1992, at 8:25 p.m., were the following bills: 308, 308A, 677, 677A, 706, 706A, 734, 734A, 877, 877A, 982, 982A, and 1000.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

UNANIMOUS CONSENT - Members Excused

Messrs. R. Johnson and Beyer asked unanimous consent to be excused. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 366. With Emergency.

A BILL FOR AN ACT relating to agriculture; to amend sections sections 2-3505, 2-3901, 2-3905, 2-3906, 2-3912, 2-4325, 54-785, 54-786, 54-788, 54-792, 54-793, 54-796, 54-849, 54-852, 54-854, 54-855, 54-856, 54-858, 54-859, 54-860, 54-863, 81-262, 81-2,162.02, 81-2,162.03, 81-2,162.05, 81-2,162.07, 81-2,162.11, 81-2,162.12, 81-2,162.13, 81-2,162.15, 81-2,162.16, 81-2,162.17, 81-2,162.18, 81-2,162.20, 81-2,162.21, 81-2,162.23, 81-2,162.25, 81-2,165, 81-2,166, 81-2,167, 81-2,168, 81-2,169, 81-2,170, 81-2,171, 81-2,173, 81-2,176, 81-2,177.01, 81-2,179, 81-2,180, 88-544, and 88-549, Reissue Revised Statutes of Nebraska, 1943, and sections 81-2,147.01, 81-2,162.06, and 88-547, Revised Statutes Supplement, 1990, and sections 54-2297, 81-2,239, 81-2,240, 81-2,247, 81-2,248, 81-2,250, 81-2,253, 89-186, and 89-187, Revised Statutes Supplement, 1991; to change provisions relating to storage temperatures for eggs, federal regulations adopted by reference, sampling and analysis of liming materials, and importation of animals into and exportation of animals out of the state; to define and redefine terms; to provide for and change fees; to name the Animal Importation Act and the Nebraska Apiary Act; to provide for and change provisions relating to rules, regulations, and penalties; to eliminate provisions relating to registration for manufacture or distribution of commercial feed and commercial fertilizer; to change requirements relating to the labeling of commercial feed and commercial fertilizer as prescribed; to provide for licensure for manufacture or distribution of commercial fertilizer and soil conditioner; to correct the name of an association; to change provisions relating to adulterated commercial feed and the filing of a report by distributors of commercial fertilizer or soil conditioners; to change provisions relating to registration under and enforcement of the Nebraska Apiary Act; to change provisions relating to the feeding of bees and the treatment and importation of diseased bees; to provide for an inspection report form after inspection of a food establishment or vending machine operation as prescribed; to change provisions relating to warehouses with regard to termination of storage, closure, and storage rates as prescribed; to change the distribution of inspection fees for grain moisture testing devices; to create a fund; to change the registration fee and device inspection fees for weighing and measuring establishments; to harmonize provisions; to provide operative dates; to repeal the original sections, and also section 54-851, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 38:

Abboud
Baack
Bernard-Stevens
Beutler
Bohlke
Byars
Chizek
Coordsen
Crosby
Cudaback
Dierks
Hall
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Kristensen
Lamb
Landis
Lindsay
Lynch
Morrissey
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper

Schimek
Schmit
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 0.

Present and not voting, 4:

Chambers
Conway
Moore
Robinson

Excused and not voting, 7:

Ashford
Beyer
Elmer
Haberman
Johnson, R.
Labedz
Rasmussen

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Mr. Chambers asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 366A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 366, Ninety-second Legislature, Second Session, 1992; and to reduce appropriations.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Abboud
Baack
Bernard-Stevens
Beutler
Bohlke
Byars
Chizek
Conway
Coordsen
Crosby
Cudaback
Dierks
Hall
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Kristensen
Lamb
Landis
Lindsay
Lynch
Morrissey
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schimek
Schmit
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 0.

Present and not voting, 2:

Moore
Robinson

Excused and not voting, 8:

Ashford
Beyer
Chambers
Elmer
Haberman
Johnson, R.
Labedz
Rasmussen

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Amendment to LB 447

Mr. Landis withdrew his pending amendment, AM3506, found in the Journal on page 1367, to LB 447.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 447.

A BILL FOR AN ACT relating to juveniles; to amend sections 29-2252, 43-2402 to 43-2406, 43-2409, and 43-2412 to 43-2414, Revised Statutes Supplement, 1990; to state findings and intent; to create the Youth Services Planning Commission and provide for its membership and location and for a chairperson; to provide powers and duties for the commission; to state intent relating to funds appropriated for the commission; to change provisions of the Juvenile Services Act; to transfer responsibility for administration of the act from the Office of Probation Administration to the Nebraska Commission on Law Enforcement and Criminal Justice; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Abboud
Baack
Bernard-Stevens
Bohlke
Byars
Chizek
Conway
Coordsen
Crosby
Cudaback
Dierks
Hall
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Kristensen
Lamb
Landis
Lindsay
Lynch
Morrissey
Nelson

Peterson
Pirsch
Robak
Rogers
Schellpeper
Schimek
Schmit
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 0.

Present and not voting, 3:

Beutler
Moore
Robinson

Excused and not voting, 8:

Ashford
Beyer
Chambers
Elmer
Haberman
Johnson, R.
Labedz
Rasmussen

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 447A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 447, Ninety-second Legislature, Second Session, 1992; and to reduce an appropriation.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Abboud
Baack
Bernard-Stevens
Bohlke
Byars
Chizek
Conway
Coordsen
Crosby
Cudaback
Dierks
Hall
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Kristensen
Lamb
Landis
Lindsay
Lynch
Moore
Morrissey
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schimek
Schmit
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 0.

Present and not voting, 2:

Beutler
Robinson

Excused and not voting, 8:

Ashford	Chambers	Haberman	Labedz	Rasmussen
Beyer	Elmer	Johnson, R.		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Messrs. Hefner, Kristensen, and Robinson asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 1006. With Emergency.

A BILL FOR AN ACT relating to insurance; to amend sections 44-145, 44-147.05, 44-704, 44-2825, 44-3601, 44-3607, 44-3608, 44-3609, 44-4206, 44-4218, 44-4219, 44-4221, 44-4223, 44-4226, 44-4231, 44-4233, 44-4235, 44-4501, 44-4503, 44-4516, 44-4517, 48-128, 48-145.04, and 48-162.02, Reissue Revised Statutes of Nebraska, 1943, sections 44-139 to 44-142, 44-147 to 44-147.04, 44-147.06, 44-2013, 44-3602 to 44-3604, 44-3606, 44-3608.01, 44-4216, 44-4217, 44-4220, 44-4222, 44-4509, 44-4513, 44-4515, 44-4719, and 48-146.03, Revised Statutes Supplement, 1990, and sections 44-1540, 44-3610, 44-4225, and 44-4227, Revised Statutes Supplement, 1991; to change provisions relating to the business of surplus lines insurance; to create the Surplus Lines Insurance Act; to define terms; to change licensure requirements; to establish financial requirements for nonadmitted insurers; to change a penalty; to transfer sections and citation of act provisions; to change eligibility provisions for insurance applications; to prohibit certain claims settlement practices relating to motor vehicle glass repair and replacement; to change recovery limits under the Nebraska Hospital-Medical Liability Act; to revise provisions of the Medicare Supplement Insurance Minimum Standards Act, the Comprehensive Health Insurance Pool Act, and the Long-Term Care Insurance Act; to redefine terms; to authorize rules and regulations; to eliminate filing requirements; to change outline of coverage requirements; to authorize administrative penalties; to eliminate intent provisions; to adopt the Reinsurance Intermediary Act, Producer-Controlled Property and Casualty Insurer Act, and Third-Party Administrator Act; to change insurer contributions and deductible options relating to workers' compensation coverage; to change provisions relating to the Second Injury Fund and the Vocational Rehabilitation Fund; to change the self-insurance assessment duties of the Nebraska Workers' Compensation Court; to harmonize provisions; to provide a duty for the Revisor of Statutes; to provide operative dates; to provide severability; to repeal the original sections, and also sections 44-3605 and 44-3611, Revised Statutes Supplement, 1990, and section 44-4234, Revised Statutes Supplement, 1991; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 38:

Abboud
Baack
Bernard-Stevens
Beutler
Bohlke
Byars
Chizek
Conway
Coordsen
Crosby
Cudaback
Dierks
Hall
Hartnett
Hillman
Horgan
Johnson, L.
Lamb
Landis
Lindsay
Lynch
Moore
Morrissey
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schimek
Schmit
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 0.

Excused and not voting, 11:

Ashford
Beyer
Chambers
Elmer
Haberman
Hefner
Johnson, R.
Kristensen
Labedz
Rasmussen
Robinson

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1006A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1006, Ninety-second Legislature, Second Session, 1992; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 38:

Abboud
Baack
Bernard-Stevens
Beutler
Bohlke
Byars
Chizek
Conway
Coordsen
Crosby
Cudaback
Dierks
Hall

Hartnett
Hillman
Horgan
Johnson, L.
Lamb
Landis
Lindsay
Lynch
Moore
Morrissey
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schimek
Schmit
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 0.

Excused and not voting, 11:

Ashford
Beyer
Chambers
Elmer
Haberman
Hefner
Johnson, R.
Kristensen
Labedz
Rasmussen
Robinson

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 428, 428A, 946, 1057, 111, 573, 245, 245A, 366, 366A, 447, 447A, 1006, and 1006A.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Reengrossed

The following bill was correctly reengrossed: 1241.

Correctly Engrossed

The following bill was correctly engrossed: 562.

(Signed) Eric Will, Chairperson

UNANIMOUS CONSENT - Add Cointroducer

Mr. Kristensen asked unanimous consent to have his name added as cointroducer to LB 672. No objections. So ordered.

EASE

The Legislature was at ease from 10:51 p.m. until 11:55 p.m.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Reengrossed

The following bill was correctly reengrossed: 319.

Correctly Engrossed

The following bills were correctly engrossed: 672, 1019, 1019A, 1059, 1184, 1184A, 1240, 1257, and 1257A.

Enrollment and Review Change to LB 319
(Final Reading copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER7180
1. On page 1, line 1, "motorcycles" has been struck and "motor vehicles" inserted.
2. In the Kristensen amendment, AM3715, on page 4, line 7, "to" has been struck and a comma inserted.

Enrollment and Review Change to LB 672

The following changes, required to be reported for publication in the Journal, have been made:
ER7182
1. In AM4294: On page 60, line 22, "23-1118, and 24-703" has been struck and "and 23-1118" inserted; and in line 23 "24-710," has been struck and "24-703, 24-710," inserted.
2. On page 1, the matter beginning with "cities" in line 1 through line 8 and all amendments thereto has been struck and "retirement systems; to amend sections 2-1603, 2-1604, 2-1605, 2-1606, 2-1607, 16-1002, 16-1004 to 16-1011, 16-1013, 16-1014, 16-1016, 16-1018, 16-1019, 16-1026, 16-1027, 16-1029, 16-1030, 16-1034 to 16-1037, and 23-1118, Reissue Revised Statutes of Nebraska, 1943, and sections 24-703, 24-710, and 84-1503, Revised Statutes Supplement, 1991; to change provisions relating to county extension organizations; to provide that the employees of such combined organizations shall be participants in the Retirement System for Nebraska Counties; to define and redefine terms; to change and provide for benefits under retirement systems for police officers and for firefighters in cities of the first class; to provide for duties and expenses for the city and the retirement committee members; to change

provisions relating to certain county contribution rates under the Retirement System for Nebraska Counties; to provide for a cost-of-living adjustment under the judges retirement system; to provide an additional duty for the Public Employees Retirement Board; to create a fund and provide for allocations to and expenditures from the fund; to provide a duty for the Revisor of Statutes; and to repeal the original sections." inserted.

Enrollment and Review Change to LB 1019

The following changes, required to be reported for publication in the Journal, have been made:
ER7175

1. The Ashford amendment, FA396, has been incorporated by amending section 71-1,142 as section 44 and the remaining sections have been renumbered and the repealer and internal references have been corrected accordingly.

2. In the Wesely amendment, AM4288:

a. Section 28 has been replaced because of the amendment of section 23-3552 by Legislative Bill 1063;

b. On page 12, line 2, the stricken comma has been reinstated;

c. On page 14, line 18, "section" has been struck and "sections" inserted;

d. On page 24, line 3, the colon has been struck; and

e. On page 31, line 13, "a" has been inserted after "of".

3. In the E & R amendment, AM5293, amendment 2 has been struck.

4. The matter beginning with page 1, line 2, through page 2, line 16, has been struck and "amend sections 21-2216, 28-401, 28-406, 71-161.09, 71-1,107.30, 71-1,132.05, 71-1,132.18, 71-1,142, 71-1,147.02, 71-502.04, 71-602, 71-611, 71-614, 71-628, 71-636, 71-644, 71-648, 71-1327, 71-1332, 71-1524, 71-1558, 71-1561, 71-1564, 71-1565, 71-1706, 71-1716.04, 71-1728, 71-1729, 71-1730, 71-1731, 71-1734, 71-2059, 71-2610.01, 71-4702, 71-4714.01, 71-4715, 71-6053, 71-6058, 71-6060, 71-6061, 71-6063, 71-6067, 71-6068, 71-6114, 71-6801, 71-6803, 71-6810, 71-6816, 71-6820, 71-6821, 84-1410, and 84-1414, Reissue Revised Statutes of Nebraska, 1943, sections 27-504, 28-404, 28-405, 28-1439.01, 48-232, 48-233, 79-4,228, and 84-1409, Revised Statutes Supplement, 1990, sections 71-147, 71-162, 71-1,103, 71-605.02, 71-612, 71-617.15, 71-627, 71-634, 71-1331, 71-1559, 71-6054 to 71-6056, and 81-647, Revised Statutes Supplement, 1991, section 23-3552, Reissue Revised Statutes of Nebraska, 1943, as amended by section 23, Legislative Bill 1063, Ninety-second Legislature, Second Session, 1992, and Laws 1990, LB 551, section 32; to adopt the Wholesale Drug Distributor Licensing Act and the Community Public Health Services Act; to change, provide, and eliminate provisions relating to registration fees for

professional corporations, tax levy limits for hospital districts, anabolic steroids, actions against credentials, continuing education, fees, unauthorized practice of medicine, prescription of medications, clinical nurse specialists, unauthorized practice of pharmacy, notification of test results and testing methods, vital statistics and other records, reports, housing authorities, modular housing units, appointments to an advisory board, nurse practitioners, nurse practitioner-anesthetists, acquisition and use of medical buildings, rules and regulations, remuneration of a regulatory board, nursing home administrators, clinical laboratories, transfusion services and bloodbanking, public meetings, and penalties; to change operative date provisions; to harmonize provisions; to provide operative dates; to repeal the original sections, and also sections 71-1732 and 71-1733, Reissue Revised Statutes of Nebraska, 1943, and sections 28-446 and 28-447, Revised Statutes Supplement, 1990; and to declare an emergency." inserted.

Enrollment and Review Change to LB 1059

The following changes, required to be reported for publication in the Journal, have been made:
ER7181

1. In AM4320, on page 4, lines 1 and 5; and page 5, lines 1, 4, and 8, "consist of" has been struck, shown as stricken, and "contain" inserted.
2. In AM3825, on page 1, line 7, "(2)" has been struck and "(5)" inserted.
3. On page 1, the matter beginning with the second "to" in line 1 through line 5 and all amendments thereto has been struck and "to amend sections 24-515, 25-1565, 25-1570, 25-2209, 25-2213, 25-2229, 25-2232, 25-2233, 25-2234, 25-2235, 25-2238, 25-2239, and 29-2281, Reissue Revised Statutes of Nebraska, 1943, sections 29-1901, 29-2259, and 29-2259.01, Revised Statutes Supplement, 1990, and sections 24-209, 24-301.02, 24-503, 24-803, 24-810, 29-812, and 29-3302, Revised Statutes Supplement, 1991; to permit the Supreme Court to authorize use of electronic research capabilities by judges; to provide for furnishing the Governor with an advance copy of the opinions of the Supreme Court; to change judicial districts; to provide responsibility for the costs of word processing in county courts and by probation officers; to create the Judicial Resources Commission; to provide for membership and expenses; to provide powers and duties; to change a provision relating to execution against the property of a judgment debtor; to change a subpoena requirement; to change and eliminate record requirements; to authorize use of constables as prescribed; to change powers of constables; to eliminate fees; to provide a witness fee; to change a fund name; to provide a manner of payment of restitution; to provide severability; and to repeal

the original sections, and also section 25-2212, Reissue Revised Statutes of Nebraska, 1943." has been inserted.

Enrollment and Review Change to LB 1184

The following changes, required to be reported for publication in the Journal, have been made:
ER7179

1. Changes have been made as necessary to incorporate all adopted amendments.

Enrollment and Review Change to LB 1240

The following changes, required to be reported for publication in the Journal, have been made:
ER7178

1. In the Hartnett-Beutler-Chambers amendment, AM4267:
a. On page 4, line 16, "and" has been struck; and
b. On page 9, line 5, "6" has been struck and "5" inserted.

2. On page 1, the matter beginning with "economic" in line 1 through line 4 and all amendments thereto has been struck and "political subdivisions; to amend sections 16-239, 17-961 to 17-966, 23-3501, 23-3516, 23-3519, and 23-3553, Reissue Revised Statutes of Nebraska, 1943; to state intent; to define terms; to provide for the designation of enterprise zones; to provide powers and duties for the Legislature, the Department of Economic Development, and counties, cities, and villages as prescribed; to authorize the establishment of enterprise associations as prescribed and to provide duties; to provide rules and regulations; to authorize certain cities, villages, and counties to establish multiunit housing; to eliminate a bond registration requirement; to harmonize provisions; and to repeal the original sections, and also section 23-3518, Reissue Revised Statutes of Nebraska, 1943." has been inserted.

Enrollment and Review Change to LB 1257

The following changes, required to be reported for publication in the Journal, have been made:
ER7183

1. In the Hall amendment, AM4317:
a. Sections 1 to 16 have been renumbered as sections 44 to 58 and 103, respectively;
b. On page 2, line 14; page 11, line 8; and page 12, lines 3, 18, and 24, "Control" has been struck and "Quality" inserted;
c. On page 10, line 13, "(4)" has been inserted before "The";

d. On page 19, the matter beginning with "the" in line 16 through the comma in line 17 has been struck and shown as stricken;

e. On page 24, line 21, "the" has been inserted after "for"; and

f. The provisions of section 17 have been incorporated into the repealer in AM5281.

2. In the Beutler-Morrissey amendment, AM4206:

a. Sections 57, 64, 65, 69, and 75, have been renumbered as sections 74, 81, 82, 86, and 92, respectively;

b. The provisions of section 73 have been incorporated into the comparable section of AM5281; and

c. On page 11, line 13, "3" has been struck and "2" inserted.

3. In the Landis amendment, AM4176:

a. Section 50 has been renumbered as section 65; and

b. On page 8, line 1, "18-2528" has been struck.

4. In the Bohlke amendment, AM4039:

a. Sections 74 to 78, 80, 81, and 83 have been renumbered as sections 96 to 100, 102, 104, and 106, respectively; and

b. On page 5, line 5, "74 to 81" has been struck and "96 to 100 and 104" inserted; in line 6 "Section 83" has been struck and "Sections 102 and 106" inserted; and in line 7 "its" has been struck and "their" inserted.

5. Because of the adoption of the Landis amendment, AM4176, the Landis amendment, AM4157, has been struck.

6. In the Morrissey amendment, AM4307, sections 56 and 57 have been renumbered as sections 72 and 73, respectively.

7. The remaining sections and the internal references have been renumbered accordingly.

8. The title has been amended and other harmonizing changes have been made to reflect the adopted amendments.

Enrollment and Review Change to LB 1257A

The following changes, required to be reported for publication in the Journal, have been made:

ER7176

1. In the Bohlke amendment, AM4040:

a. Sections 3 to 6 have been renumbered as sections 4 to 7, respectively, and the internal references corrected accordingly; and

b. On page 1, line 20, "calendar" has been inserted after "three".

2. On page 1, line 4, "; to reduce appropriations to the Governor's Policy Research Office; to provide operative dates; and to declare an emergency" has been inserted after "1992".

(Signed) Eric Will, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 9, 1992, at 11:00 p.m., were the following bills: 428, 428A, 946, 1057, 111, 573, 245, 245A, 366, 366A, 447, 447A, 1006, and 1006A.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

RESOLUTION

LEGISLATIVE RESOLUTION 439. Introduced by Bernard-Stevens, 42.

WHEREAS, the North Platte and the Scottsbluff/Gering communities are under consideration for Rocky Mountain Rookie Baseball League franchises; and

WHEREAS, for the first time in the history of professional baseball an entire league is to be moved, and the location is to be Colorado, Wyoming, and possibly Nebraska; and

WHEREAS, having a league team in the North Platte and the Scottsbluff/Gering communities would have an estimated financial impact in Nebraska of four and one-half million dollars resulting from the proposed creation of fifty jobs for these communities; and

WHEREAS, these communities have what are considered to be the best baseball facilities in the state: the Bill Wood Field in North Platte and the Cleveland Baseball Field in Scottsbluff; and

WHEREAS, the league would bring added prestige and youth development opportunity to the citizens of the State of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the North Platte and the Scottsbluff/Gering communities be recognized for their efforts to secure league membership and that the Department of Economic Development be directed to provide support and assistance to these communities in their joint effort to secure league membership.
2. That copies of this resolution be sent to the Mayors of the cities of North Platte, Scottsbluff, and Gering to accompany their applications and as formal recognition and support by the Legislature.

Laid over.

VISITORS

Visitors to the Chamber were ten students and teacher from Doane College; and 54 fourth grade students and teachers from Wakonda Elementary, Omaha.

The Doctor of the Day was Tom Werner from Anselmo.

ADJOURNMENT

At 11:57 p.m., on a motion by Mr. Moore, the Legislature adjourned until 9:00 a.m., Monday, April 13, 1992.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-NINTH DAY - APRIL 13, 1992

LEGISLATIVE JOURNAL

NINETY-SECOND LEGISLATURE
SECOND SESSION

FIFTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, April 13, 1992

Pursuant to adjournment, the Legislature met at 9:03 a.m., President Moul presiding.

PRAYER

The prayer was offered by Pastor Fred Tedder, Central Church of Nazarene, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Ashford, Chambers, Conway, Haberman, Hall, R. Johnson, Kristensen, Lindsay, Morrissey, Rogers, Schmit, Will, Mrs. Labedz, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-eighth day was approved.

MESSAGES FROM THE GOVERNOR

April 11, 1992

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

Today I have signed LB 1022 and forwarded it to the Secretary of State.

LB 1022 includes some items that were not in my original budget recommendations. There are also some items that I vetoed last year because I was presented a budget that was out of balance. This year, you have presented a budget that is in balance and consistent with my overall philosophy of holding the line on spending. We have had a long, hard session and have been able to work out a solution to the personal property tax crisis.

Briefly, we have seen this year that we can work together to achieve the priorities of both the Administration and the Legislature. I support the many good programs contained within LB 1022. It is for these reasons that I have not exercised my line-item veto authority.

However, I must offer one last caution. There are turbulent economic times ahead of us that will cause a shortfall in state revenues. The Legislature projects that shortfall to be in excess of $25 million next year. I believe the shortfall may be even greater. Programs contained in LB 1022 this year will again be viewed in light of anticipated budget reductions next year. Nothing will be exempt from the budget review process. We must begin a major review of state services and the state's organization and make it more efficient. I will be presenting those changes to you next January when I submit my budget and hope we can again come to agreement on the direction we must go to restrain state spending and make it as efficient as possible.

Again, I commend you for your fiscal restraint and look forward to our continued excellent working relationship.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

April 10, 1992

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 1268e and 1292e were received in my office on April 6, 1992.

These bills were signed by me on April 10, 1992, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

REPORTS

Received quarterly audit reports from the Auditor of Public Accounts for the following: NE State Historical Society, Department of Environmental Control, NE Department of Correctional Services and Cornhusker State Industries, NE State Patrol Drug Control Cash Fund, NE State Patrol, NE Department of Agriculture, DAS - Letters of Credit, Department of Public Institutions, Mid-NE Mental Retardation Services, and NE Gasohol Committee.

Received report from the Nebraska Investment Council for School Retirement Fund, State Patrol Retirement Fund, and Nebraska Retirement Fund for Judges.

RESOLUTIONS

LEGISLATIVE RESOLUTION 423. Read. Considered.

Mr. Hartnett asked unanimous consent to have his name added as cointroducer to LR 423. No objections. So ordered.

LR 423 was adopted with 20 ayes, 0 nays, and 29 not voting.

LEGISLATIVE RESOLUTION 424. Read. Considered.

LR 424 was adopted with 20 ayes, 0 nays, and 29 not voting.

LEGISLATIVE RESOLUTION 425. Read. Considered.

LR 425 was adopted with 19 ayes, 0 nays, and 30 not voting.

LEGISLATIVE RESOLUTION 426. Read. Considered.

LR 426 was adopted with 24 ayes, 0 nays, and 25 not voting.

LEGISLATIVE RESOLUTION 427. Read. Considered.

LR 427 was adopted with 30 ayes, 0 nays, and 19 not voting.

LEGISLATIVE RESOLUTION 428. Read. Considered.

LR 428 was adopted with 27 ayes, 0 nays, and 22 not voting.

LEGISLATIVE RESOLUTION 431. Read. Considered.

Mr. Beutler asked unanimous consent to have his name added as cointroducer to LR 431. No objections. So ordered.

LR 431 was adopted with 23 ayes, 0 nays, and 26 not voting.

LEGISLATIVE RESOLUTION 432. Read. Considered.

LR 432 was adopted with 23 ayes, 0 nays, and 26 not voting.

LEGISLATIVE RESOLUTION 433. Read. Considered.

LR 433 was adopted with 21 ayes, 0 nays, and 28 not voting.

LEGISLATIVE RESOLUTION 434. Read. Considered.

LR 434 was adopted with 19 ayes, 0 nays, and 30 not voting.

Mr. Wehrbein asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE RESOLUTION 435. Read. Considered.

LR 435 was adopted with 21 ayes, 0 nays, and 28 not voting.

LEGISLATIVE RESOLUTION 437. Read. Considered.

Messrs. Robinson, Dierks, and Mrs. Robak asked unanimous consent to have their names added as cointroducers to LR 437. No objections. So ordered.

LR 437 was adopted with 25 ayes, 0 nays, and 24 not voting.

MOTION - Approve Appointments

Mr. Coordsen moved the adoption of the report of the Business and Labor Committee for the following Governor appointments found in the Journal on page 1984: John J. "Jack" Campbell, Thomas "Jeff" Hix, and James R. "Dick" Gregg - State Boiler Safety Code Advisory Board.

Voting in the affirmative, 25:

Abboud
Beyer
Bohlke
Coordsen
Crosby
Cudaback
Dierks
Elmer
Hartnett
Hillman
Horgan
Johnson, L.
Kristensen
Landis
Morrissey
Peterson
Pirsch
Rasmussen
Robak
Robinson
Schellpeper
Schimek
Schrock
Warner
Will

Voting in the negative, 0.

Present and not voting, 17:

Ashford
Baack
Bernard-Stevens
Beutler
Byars
Chizek
Haberman
Hefner
Lamb
Lindsay
Lynch
Moore
Nelson
Schmit
Wesely
Wickersham
Withem

Excused and not voting, 7:

Chambers
Conway
Hall
Johnson, R.
Labedz
Rogers
Wehrbein

These appointments were confirmed with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Mr. Kristensen moved the adoption of the report of the Transportation Committee for the following Governor appointment found in the Journal on page 2113: John Rickerts - Motor Vehicle Industry Licensing Board.

Voting in the affirmative, 28:

Abboud
Bernard-Stevens
Beyer
Bohlke
Coordsen
Crosby
Cudaback
Dierks
Elmer
Haberman
Hartnett
Hillman
Johnson, L.
Johnson, R.
Kristensen
Lamb
Landis
Lindsay
Morrissey
Peterson
Pirsch
Rasmussen
Robinson
Schellpeper
Schimek
Warner
Wesely
Will

Voting in the negative, 0.

Present and not voting, 15:

Ashford
Baack
Beutler
Byars
Chizek
Hefner
Horgan
Lynch
Moore
Nelson
Robak
Schmit
Schrock
Wickersham
Withem

Excused and not voting, 6:

Chambers Hall Labedz Rogers Wehrbein
Conway

The appointment was confirmed with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 422. Read. Considered.

Mr. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

LR 422 was adopted with 20 ayes, 2 nays, and 27 not voting.

GENERAL FILE

LEGISLATIVE BILL 931. Placed on General File as amended.
Standing Committee amendment to LB 931:
AM2987

1. Strike original sections 1 and 2 and insert the following new sections:

"Section 1. That section 51-509, Revised Statutes Supplement, 1990, be amended to read as follows:

51-509. ~~Except where a contract is entered into for the use of a museum already established, the museum board shall, on or before the second Monday in June in each year, make a report to the city council, village board, or to the county or township board as to the condition of its trust on June 1 of such year, showing all money received or expended and a general report on all its activities in the operation and supervision of the museum and any information and suggestions it may deem of general interest, or as the city council, village, county, or township board may require. The report shall be in writing and verified by affidavit of the proper officers of such board.~~ The museum board shall provide information on its activities and financial condition as requested by the city council, village board, county board, or township board, shall prepare an annual budget and submit it to the city council, village board, county board, or township board by the date requested, and shall submit to the city council, village board, county board, or township board a copy of its annual audit within the time prescribed by state law.

Sec. 2. That section 51-511, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

51-511. ~~The museum board may, by resolution, direct the sale and conveyance of any real estate or other property owned by the museum board or by the museum, which is not used for museum purposes, or of any real estate or other property so donated or devised to the museum board or to the museum upon such terms as the museum board deems best. Before any such sale is made the museum board shall advertise such sale for three weeks in a legal newspaper published or, if none is published, of general circulation in the city, village, county, or township in which the museum is situated, and such notice shall set out the time, place, terms, manner of sale, legal description of such real estate or other property, and the right to reject any and all bids. If such bid or bids have not been rejected, then the real estate or other property shall be sold to the highest bidder for cash, and the president of the board, upon resolution of the museum board directing him or her so to do, shall convey the real estate or other property to the purchaser thereof upon his or her payment of his or her bid therefor. If a remonstrance against such sale signed by thirty percent of the electors of such city, village, county, or township voting at the last regular city, village, county, or township election is filed with the governing body of such city, village, county, or township three or more days prior to the day set for sale, such property shall not then, nor within one year thereafter, be sold.~~ The museum board may, by resolution of the majority of the board, direct the sale, conveyance, or disposition of any real estate or other property owned by the museum board or by the museum upon such terms and conditions as the museum board deems in the best interest of the museum, except that this section shall not include any items or property subject to the Unmarked Human Burial Sites and Skeletal Remains Protection Act or the federal Native American Graves Protection and Repatriation Act, 25 U.S.C. 3001 et seq. The museum shall properly document the sale, conveyance, or disposition of any real estate or other property, including a brief description of the real estate or other property, the disposition made, the name of the recipient of the item, the amount tendered or a description and stated value of real estate or other property received in exchange, and the date of the transaction. All funds derived from such sales shall be deposited in the museum fund and kept for use by the museum separate and apart from other funds of the city, village, county, or township as authorized by section 51-507.".

LEGISLATIVE BILL 1167. Placed on General File as amended.
Standing Committee amendment to LB 1167:
AM3814

1. Strike original section 1.

2. On page 4, line 12, strike the last comma; and in line 13 strike "controlled, or otherwise operated".

3. Renumber the remaining section accordingly.

(Signed) D. Paul Hartnett, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 440. Introduced by Horgan, 4.

WHEREAS, the purple martin is a beautiful songbird that is indigenous to the North American continent and resides chiefly in the area east of the Rocky Mountains in the United States; and

WHEREAS, the purple martin is one of the best examples of the balance of nature in that its diet includes mosquitoes and other flying insects; and

WHEREAS, the presence of purple martins is an attractive asset to a community because of the birds' appearance, song, cleanliness, and diet; and

WHEREAS, the people of the city of Omaha, its civic organizations, and the Audubon Society of Omaha have worked hard to provide houses for purple martins; and

WHEREAS, purple martins return every year to the area where they hatched and their presence is beneficial to the community.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That Omaha, Nebraska, be declared the Purple Martin Capital of Nebraska.
2. That copies of this resolution be sent to the city of Omaha, the Audubon Society of Omaha, and Dennis Devine Sr. of Council Bluffs, Iowa, who were all instrumental in making the city of Omaha the Purple Martin Capital of Nebraska.

Laid over.

UNANIMOUS CONSENT - Member Excused

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

MOTION - Suspend Rules

Mr. Baack moved to suspend the rules, Rule 5, Section 6(g) and Rule 6, Section 7 to permit the Final Reading of LB 719A and LB 754.

The Baack motion to suspend the rules prevailed with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

MOTION - Return LB 719A to Select File

Mr. Wesely moved to return LB 719A to Select File for his specific amendment, AM4030, found in the Journal on page 1942.

Mr. Wesely withdrew his motion to return.

SPEAKER BAACK PRESIDING

Mr. Robinson asked unanimous consent to be excused until he returns. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 719A. With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 2-201, 2-203.01, 2-203.03, 2-203.06, 2-1604, 2-2430, 2-2433, 2-2434, 2-2436, 2-3225, 3-504, 3-603, 3-605, 3-613, 3-707, 10-401, 10-406, 10-407, 10-409, 10-501, 10-704, 10-707, 10-801, 12-402, 12-604, 12-914, 12-923, 12-1001, 13-304, 13-315, 13-1115, 13-1304, 13-1311, 14-365.01, 14-365.07, 14-383, 14-514, 14-525, 15-235.02, 16-203, 16-672.11, 16-675, 16-678, 16-680, 16-688, 16-694, 16-697, 17-229, 17-231, 17-506, 17-508.02, 17-529.08, 17-534, 17-545, 17-702, 17-703, 17-713, 17-718, 17-908, 17-925.01, 17-938, 17-951, 17-958, 17-964, 17-967, 17-976, 18-501, 18-512, 18-1005, 18-1201, 18-1202, 18-1203, 18-1204, 18-1205, 18-1502, 18-1503, 18-1505, 18-2717, 19-1302, 19-1309, 19-1402, 19-1403, 19-2102, 19-3313, 19-3315, 19-3318, 19-3321, 19-3327, 21-303, 22-215, 22-407, 23-119, 23-120, 23-125, 23-276, 23-320.03, 23-320.05, 23-320.11, 23-344, 23-351, 23-355.01, 23-360, 23-501, 23-801, 23-802, 23-804, 23-918, 23-2909, 23-3302, 23-3509, 23-3511, 23-3513, 23-3519, 23-3530, 23-3532, 23-3540, 23-3558, 23-3561, 23-3565, 31-370, 31-450, 31-510, 31-531, 31-540, 31-709, 31-755, 31-905, 35-513.01, 35-513.02, 35-519, 39-801, 39-836, 39-1002, 39-1619, 39-1636.01, 39-1637, 39-1648, 39-1649, 39-1902, 39-1903, 39-1905, 39-1906, 46-139, 46-144, 46-1,127, 46-516, 46-553, 46-574, 51-316, 51-501, 71-1611, 71-1629.01, 71-1637, 74-1306, 77-603, 77-1311, 77-1327, 77-1506.01, 77-1602, 77-1603, 77-1605, 77-1605.01, 77-1627, 79-408.02, 79-415, 79-417, 79-422, 79-433, 79-480, 79-533, 79-536, 79-1007.02, 79-1052, 79-1435.03, 79-2302, 79-2313, 80-102, 86-402, and 86-403, Reissue Revised Statutes of Nebraska, 1943, sections 35-502, 35-508, 35-509, 39-602, 79-408.03, 79-420, and 79-2650, Revised Statutes Supplement, 1990, sections 51-201, 66-4,101, 77-202.24, 77-1301.13, 77-1613.01, 77-1734.01, 77-2716.02, 79-436, 79-437.03, 79-547.04, 79-609, and 79-3809, Revised Statutes Supplement, 1991, section 14-1026 Reissue Revised Statutes of Nebraska, 1943, as amended by section 43, Legislative Bill 746, Ninety-second Legislature, Second Session, 1992, section 77-2734.03, Reissue Revised Statutes of Nebraska, 1943, as amended by section 184, Legislative Bill 1063, Ninety-second Legislature, Second Session, 1992, section 77-3438, Revised Statutes Supplement, 1991, as amended by section 191, Legislative Bill 1063, Ninety-second Legislature, Second Session, 1992, Laws 1988, LB 940, section 19, as amended by Laws 1991, LB 511, section 90, Laws 1988, LB 940, section 18, as amended by Laws 1990, LB 259, section 34, and by Laws 1991, LB 511, section 89, and sections 42, 48, 65 to 69, and 71 to 76, Legislative Bill 1063, Ninety-second Legislature, Second Session, 1992; to change and eliminate terminology to carry out Legislative Bill 1063, Ninety-second Legislature, Second Session, 1992; to change the corporate registration fee; to define and redefine terms; to provide for refunds of personal property tax or fees as prescribed; to change provisions relating to a surcharge on depreciation, taxes on insurance premiums and assessments, and the computation of anticipated aggregate receipts; to change and eliminate fees on commercial fertilizers and soil conditioners; to change and eliminate provisions relating to car line companies; to provide for a study; to authorize adjustments to the value of railroad and car line property; to eliminate intent language; to harmonize provisions; to provide and eliminate duties for the Revisor of Statutes; to provide operative dates; to repeal the original sections, and also sections 77, 208, and 209, Legislative Bill 1063, Ninety-second Legislature, Second Session, 1992; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 32:

Abboud
Ashford
Baack
Bernard-Stevens
Beutler
Bohlke
Byars
Chizek
Coordsen
Crosby
Cudaback
Hartnett
Hefner
Hillman
Horgan
Johnson, R.
Kristensen
Labedz
Landis
Lindsay
Lynch
Nelson
Pirsch
Rasmussen
Robak
Schimek
Schrock
Warner
Wehrbein
Wickersham
Will
Withem

Voting in the negative, 13:

Beyer
Chambers
Dierks
Elmer
Haberman
Johnson, L.
Lamb
Moore
Morrissey
Rogers
Schellpeper
Schmit
Wesely

Excused and not voting, 4:

Conway
Hall
Peterson
Robinson

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 32:

Abboud
Ashford
Baack
Bernard-Stevens
Beutler
Bohlke
Byars
Chizek
Coordsen
Crosby
Cudaback
Hartnett
Hefner
Hillman
Horgan
Johnson, R.
Kristensen
Labedz
Landis
Lindsay
Lynch
Nelson
Pirsch
Rasmussen
Robak
Schimek
Schrock
Warner
Wehrbein
Wickersham
Will
Withem

Voting in the negative, 13:

Beyer
Chambers
Dierks
Elmer
Haberman
Johnson, L.
Lamb
Moore
Morrissey
Rogers
Schellpeper
Schmit
Wesely

Excused and not voting, 4:

Conway
Hall
Peterson
Robinson

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 754. With Emergency.

A BILL FOR AN ACT relating to ethanol; to amend sections 66-1301, 66-1303, 66-1307 to 66-1307.02, 66-1320, 66-1324, and 66-1326, Reissue Revised Statutes of Nebraska, 1943; to define and eliminate terms; to change provisions relating to a report and to the deposit, distribution, and transfer of certain funds as prescribed; to change provisions relating to grants or loans for approved projects; to change provisions relating to the ethanol tax credit and the funding of such credit; to create a fund; to provide a tax credit for producers of ethyl tertiary butyl ether; to authorize agreements as prescribed; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Abboud
Ashford
Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Byars
Chizek
Coordsen
Crosby
Cudaback
Dierks
Elmer
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Johnson, R.
Kristensen
Labedz
Lamb
Landis
Lindsay
Moore
Morrissey
Nelson
Pirsch
Rasmussen
Robak
Robinson
Rogers
Schellpeper
Schimek
Schmit
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 0.

Present and not voting, 2:

Chambers	Lynch

Excused and not voting, 4:

Conway	Haberman	Hall	Peterson

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

VISITORS

Visitors to the Chamber were ten members from the Delta Sigma Theta Sorority Corporation; Janet Kruse; 24 fourth grade students and teacher from Stanton; 29 sixth, seventh, and eighth grade students and teachers from St. John's School, Plattsmouth; 40 seniors and teacher from Fort Calhoun; four students and teacher from Conestoga High School, Murray; Ray and Ag Schleppenbach from Pierce; Senator Schellpeper's daughter, Nancy Morfeld, and granddaughter, Alicia, from Stanton; Anne Doering from Franklin; 53 fifth grade students and teachers from St. Michael's Elementary, Hastings; 12 tenth through twelfth grade students and teacher from Southeast High School, Lincoln; and 33 students and sponsor from Lyons-Decatur.

RECESS

At 11:55 a.m., on a motion by Mrs. Rasmussen, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Moul presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Chambers, Conway, Dierks, Hall, Landis, Rogers, Schmit, and Mrs. Rasmussen who were excused until they arrive.

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Enrolled

The following bill was correctly enrolled: 719A.

(Signed) Eric Will, Chairperson

MESSAGE FROM THE GOVERNOR

April 13, 1992

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 1178, 1178A, and 872 were received in my office on April 7, 1992.

These bills were signed by me on April 13, 1992, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 754 and 719A.

MOTION - Return LB 126 to Select File

Mr. Lynch withdrew his pending motion, found in the Journal on page 2166, to return LB 126 to Select File for his specific amendment, AM3119.

Mr. Will moved to return LB 126 to Select File for the following specific amendment:
FA400
Strike the enacting clause.

Mmes. Nelson, Bohlke, and Mr. Moore asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Will withdrew his motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 126.

A BILL FOR AN ACT relating to highways and roads; to amend sections 39-603 and 39-1315.01, Reissue Revised Statutes of Nebraska, 1943; to prohibit certain regulations by city airport authorities for use of highways and roads as prescribed; to provide for the removal of certain roads from the state highway system; and to repeal the original sections.

Mr. Hall requested a roll call vote.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 18:

Abboud
Bernard-Stevens
Byars
Coordsen
Crosby
Cudaback
Dierks
Elmer
Hartnett
Hefner
Johnson, L.
Johnson, R.
Lamb
Landis
Nelson
Peterson
Pirsch
Robinson

Voting in the negative, 13:

Baack
Beutler
Haberman
Kristensen
Lindsay
Lynch
Rasmussen
Schimek
Schrock
Warner
Wehrbein
Will
Withem

Present and not voting, 13:

Ashford
Beyer
Chizek
Hall
Hillman
Horgan
Labedz
Morrissey
Robak
Rogers
Schellpeper
Wesely
Wickersham

Excused and not voting, 5:

Bohlke
Chambers
Conway
Moore
Schmit

Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

WITHDRAW - Amendment to LB 1115

Mr. Hartnett withdrew his pending amendment, AM3078, found in the Journal on page 1130, to LB 1115.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 1115.

A BILL FOR AN ACT relating to municipal audits; to amend sections 19-2905 and 19-2906, Reissue Revised Statutes of Nebraska, 1943; to require a supplemental report on illegal acts; to authorize an accountant to report illegal acts or indications of illegal acts; to classify and change a penalty; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud
Ashford
Baack
Bernard-Stevens
Beutler
Beyer
Byars
Chizek
Coordsen
Crosby
Cudaback
Dierks
Elmer
Haberman
Hall
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Johnson, R.
Kristensen
Labedz
Lamb
Landis
Lindsay
Lynch
Morrissey
Nelson
Peterson
Pirsch
Rasmussen
Robak
Robinson
Rogers
Schellpeper
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 0.

Present and not voting, 1:

Schimek

Excused and not voting, 5:

Bohlke
Chambers
Conway
Moore
Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 415 to Select File

Mrs. Crosby moved to return LB 415 to Select File for her specific amendment, AM3128, found in the Journal on page 1002.

Mr. Ashford asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mrs. Crosby requested a roll call vote on her motion to return LB 415 to Select File.

Voting in the affirmative, 23:

Abboud
Bernard-Stevens
Beyer
Bohlke
Byars
Coordsen
Crosby
Haberman
Hefner
Kristensen
Labedz
Moore
Nelson
Pirsch
Robak
Robinson
Rogers
Schellpeper
Schimek
Schmit
Warner
Wehrbein
Wickersham

Voting in the negative, 22:

Baack
Beutler
Chambers
Chizek
Cudaback
Elmer
Hall
Hartnett
Horgan
Johnson, L.
Johnson, R.
Lamb
Landis
Lindsay
Lynch
Morrissey
Peterson
Rasmussen
Schrock
Wesely
Will
Withem

Present and not voting, 2:

Dierks
Hillman

Excused and not voting, 2:

Ashford
Conway

The Crosby motion to return lost with 23 ayes, 22 nays, 2 present and not voting, and 2 excused and not voting.

WITHDRAW - Amendment to LB 415

Mr. Haberman withdrew his pending amendment, AM3212, found in the Journal on page 1101, to LB 415.

MOTION - Return LB 415 to Select File

Mr. Withem moved to return LB 415 to Select File for the following specific amendment:
FA401
Strike the enacting clause.

Mr. Withem withdrew his motion to return.

UNANIMOUS CONSENT - Member Excused

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 415.

A BILL FOR AN ACT relating to cities of the first and second classes and villages; to amend sections 16-722, 19-1101, and 19-1102, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to publication of financial statements, official proceedings, and salaries; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 28:

Baack
Beutler
Byars
Chambers
Chizek
Dierks
Elmer
Hall
Hartnett
Hillman
Horgan
Johnson, L.
Labedz
Lamb
Landis
Lindsay
Lynch
Moore
Morrissey
Peterson
Pirsch
Rasmussen
Schellpeper
Schmit
Schrock
Wesely
Will
Withem

Voting in the negative, 17:

Abboud
Bernard-Stevens
Beyer
Bohlke
Coordsen
Crosby
Cudaback
Haberman
Hefner
Johnson, R.
Kristensen
Nelson
Robak
Robinson
Schimek
Warner
Wickersham

Present and not voting, 2:

Rogers
Wehrbein

Excused and not voting, 2:

Ashford
Conway

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 1011 to Select File

Mr. Chambers moved to return LB 1011 to Select File for the following specific amendment:
FA402
Strike the enacting clause.

Mrs. Crosby asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Chambers withdrew his motion to return.

WITHDRAW - Amendments to LB 1011

Mr. Will withdrew his pending amendment, AM4070, found in the Journal on page 1987, to LB 1011.

Messrs. Lynch and Schrock withdrew their pending amendments, AM3997 and AM4078, found in the Journal on pages 1936 and 1979, to LB 1011.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 1011.

A BILL FOR AN ACT relating to dogs; to amend section 54-601, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to the liability of dog owners; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud
Ashford
Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Byars
Chizek
Coordsen
Cudaback
Dierks
Elmer
Haberman
Hall
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Johnson, R.
Kristensen
Labedz
Lamb
Landis
Lindsay
Moore
Morrissey
Nelson
Peterson
Pirsch
Rasmussen
Robinson
Rogers
Schellpeper
Schimek
Schmit
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 1:

Chambers

Present and not voting, 2:

Lynch
Robak

Excused and not voting, 2:

Conway
Crosby

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Reconsider Action on LB 126

Mr. Hall moved to reconsider the Final Reading vote on LB 126 immediately before reading LB 718 on Final Reading agenda.

Mr. Hall asked unanimous consent to withdraw his motion to reconsider. No objections. So ordered.

WITHDRAW - Amendments to LB 718

Mr. Will withdrew his pending amendment, FA258, found in the Journal on page 690, to LB 718.

Mr. Abboud withdrew his pending amendment, AM4125, found in the Journal on page 2104, to LB 718.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 718. With Emergency.

A BILL FOR AN ACT relating to parimutuel wagering; to amend sections 2-1203, 2-1203.01, 2-1207, 2-1208, 2-1216, 2-1221, and 2-1222, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to parimutuel wagering; to provide for teleracing facilities and telephonic wagering; to state intent; to define terms; to provide powers and duties for the State Racing Commission and licensed racetracks; to change penalty provisions; to provide a penalty; to harmonize provisions; to provide severability; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 33:

Abboud
Baack
Bernard-Stevens
Beyer
Byars
Chizek
Coordsen
Cudaback
Dierks
Elmer
Hall
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Kristensen
Labedz
Lindsay
Moore
Morrissey
Peterson
Pirsch
Rasmussen
Robinson
Rogers
Schellpeper
Schmit
Warner
Wehrbein
Wickersham
Will
Withem

Voting in the negative, 13:

Ashford
Beutler
Bohlke
Chambers
Crosby
Johnson, R.
Lamb
Landis
Nelson
Robak
Schimek
Schrock
Wesely

Present and not voting, 2:

Haberman
Lynch

Excused and not voting, 1:

Conway

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

ATTORNEY GENERAL'S OPINION

Opinion No. 92060

DATE:	April 13, 1992
SUBJECT:	LB 719A, as Amended - Constitutionality of Granting Authority to the State Tax Commissioner to Adjust Railroad and Car Line Property Tax Valuations.
REQUESTED BY:	Senator Loran Schmit Nebraska State Legislature
WRITTEN BY:	Don Stenberg, Attorney General L. Jay Bartel, Assistant Attorney General

You have requested our opinion regarding the constitutionality of a recent amendment to LB 719A. This amendment, which is contained in section 219 of the bill, would allow the State Tax Commissioner to adjust the value of railroad and car line properties for tax purposes to "the percentage of the comparable taxable commercial and industrial property pursuant to federal statute or Nebraska federal court decisions applicable thereto." Your sole question is whether this provision establishes an unconstitutional delegation of legislative authority to the State Tax Commissioner.

As a general rule, the Legislature may not delegate legislative authority to an administrative agency or official. State v. Sprague, 213 Neb. 581, 330 N.W.2d 739 (1983); Laverty v. Cochrane, 132 Neb. 118, 271 N.W. 354 (1937). The Legislature may, however, grant general powers to an agency or official and delegate to such agency or official the power and duty to administer and enforce an act. State v. Sprague, supra; State ex rel. Douglas v. Nebraska Mortgage Finance Fund, 204 Neb. 445, 283 N.W.2d 12 (1979). "{T}he legislature is clothed with power to delegate to administrative boards and agencies of the state the power of ascertaining facts upon which the laws are to be applied and enforced. It may also authorize the doing of specific acts necessary to the furtherance of the purposes of the act." Lennox v. Housing Authority of the City of Omaha, 137 Neb. 582, 592, 290 N.W. 451, 458 (1940). "{W}here the Legislature has provided reasonable limitations and standards for carrying out the delegated duties, no unconstitutional delegation of legislative authority exists." In re Application U-2, 226 Neb. 594, 607, 413 N.W.2d 290, 299 (1987).

In State ex rel Douglas v. Nebraska Mortgage Finance Fund, supra, the Nebraska Supreme Court, discussing the requirement that the Legislature provide sufficient standards to guide the exercise of powers granted to an administrative agency, stated:

> The question of how far the Legislature should go in filling in the details of the standards which an administrative agency is to apply raises large issues of policy in which the Legislature has a wide discretion, and the court should be reluctant to interfere with such discretion. Such standards in conferring discretionary power upon an administrative agency must be reasonably adequate, sufficient, and definite for the guidance of the agency and the exercise of the power conferred upon it and must also be sufficient to enable those affected to know their rights and obligations. 1 Am.Jur.2d, Administrative Law, § 117, p. 923. The modern tendency is to be more liberal in permitting grants of discretion to an administrative agency in order to facilitate the administration of laws as the complexity of administration and governmental conditions increases. 1 Am.Jur.2d, Administrative Law, § 118, p.925

204 Neb. at 465, 283 N.W.2d at 24.

Judged by these standards, it is our opinion that the authority granted to the State Tax Commissioner to adjust railroad and car line property valuations under section 219 of LB 719A does not represent an unconstitutional delegation of authority to the Tax Commissioner by the Legislature. This section does not propose to grant to the Tax Commissioner unlimited discretion in adjusting railroad or car line property values for tax purposes. Rather, it mandates that the Tax Commissioner calculate defined ratios involving railroad and car line property and commercial and industrial property in determining the taxable value of railroads and car lines. The Tax Commissioner is permitted to adjust the values of railroad or car line properties to the percentage of comparable taxable commercial and industrial property only "{i}f the ratio of the taxable value of railroad and car line personal or real property exceeds the ratio of the comparable taxable commercial and industrial property by more that five percent." LB 719A, § 219(2). This provision is obviously designed to permit the Tax Commissioner to adjust railroad or car line property values for purposes of compliance with Section 306 of the Railroad Revitalization and Regulatory Reform Act of 1976 {the "4-R Act"}. Under these circumstances, we believe that this provision prescribes adequate standards limiting the authority of the Tax

Commissioner. Therefore, in response to your specific question, we conclude that the bill does not impermissibly delegate legislative authority to the Tax Commissioner.

Very truly yours,
DON STENBERG
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

cc: Patrick O'Donnell
Clerk of the Legislature

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative resolution 436.

LR	**Committee**
436	Agriculture

(Signed) Jerome Warner, Chairperson
Legislative Council
Executive Board

RESOLUTION

LEGISLATIVE RESOLUTION 441. Introduced by Appropriations Committee: Moore, 24, Chairperson; Ashford, 6; Bernard-Stevens, 42; Crosby, 29; Hillman, 48; L. Johnson, 15; Lynch, 13; Robinson, 16; Wehrbein, 2.

PURPOSE: State government acquires over one hundred million dollars in goods and services from a wide variety of sources and vendors. It is in the best interests of the state to acquire these goods and services at cost-effective prices through uniform bidding and acquisition procedures. The purpose of this resolution is to (1) examine the current goods and services acquisition statutes and policies, (2) determine how effective the acquisition policies are in fostering a competitive pricing environment, and (3) make recommendations to establish uniform, competitive, and cost-effective laws and policies for state government to acquire goods and services.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Members Excused

Messrs. Peterson and Chambers asked unanimous consent to be excused until they return. No objections. So ordered.

MOTION - Reconsider Action on LB 719A

Mr. Robinson moved to reconsider LB 719Ae.

SPEAKER BAACK PRESIDING

Mr. Elmer asked unanimous consent to be excused. No objections. So ordered.

Mr. R. Johnson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Robinson motion to reconsider prevailed with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

BILL ON FINAL READING

The following bill was put upon final passage:

LEGISLATIVE BILL 719A. With Emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 33:

Abboud
Ashford
Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Byars
Chizek
Coordsen
Crosby
Cudaback
Hartnett
Hefner

Hillman	Kristensen	Nelson	Robinson	Wickersham
Horgan	Labedz	Pirsch	Schrock	Will
Johnson, L.	Landis	Rasmussen	Warner	Withem
Johnson, R.	Lindsay	Robak	Wehrbein	

Voting in the negative, 9:

Dierks	Hall	Morrissey	Schimek	Wesely
Haberman	Lamb	Schellpeper	Schmit	

Present and not voting, 3:

Lynch	Moore	Rogers

Excused and not voting, 4:

Chambers	Conway	Elmer	Peterson

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Mrs. Nelson asked unanimous consent to be excused until she returns. No objections. So ordered.

PRESIDENT MOUL PRESIDING

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 718A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 718, Ninety-second Legislature, Second Session, 1992; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 36:

Abboud	Bernard-Stevens	Beutler	Byars	Coordsen
Baack		Beyer	Chizek	Cudaback

Dierks
Hall
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Johnson, R.
Kristensen
Landis
Lindsay
Lynch
Morrissey
Pirsch
Rasmussen
Robinson
Rogers
Schellpeper
Schimek
Schmit
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 4:

Bohlke
Crosby
Lamb
Robak

Present and not voting, 4:

Ashford
Haberman
Labedz
Moore

Excused and not voting, 5:

Chambers
Conway
Elmer
Nelson
Peterson

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 1115, 415, 1011, 718, and 718A.

EASE

The Legislature was at ease from 3:54 p.m. until 4:01 p.m.

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Reenrolled

The following bill was correctly reenrolled: 719A.

(Signed) Eric Will, Chairperson

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bill: 719A.

RESOLUTIONS

LEGISLATIVE RESOLUTION 442. Introduced by Schmit, 23; Landis, 46; Moore, 24; Beutler, 28; Wesely, 26; Crosby, 29; Schimek, 27.

WHEREAS, the issue of final resolution of the collapse of the industrial bank system in Nebraska as manifested by the failures of Commonwealth Savings Company, State Security Savings, and American Savings Company is still something that concerns the Legislature; and

WHEREAS, the Legislature has indicated, through its passage of other legislation intended to settle the issue, its desire to make monetary settlement on both legal and ethical grounds for the benefit of victims of the Commonwealth Savings Company, State Security Savings, and American Savings Company failures; and

WHEREAS, continued efforts to provide monetary settlement have been attempted through the tort claims process, the courts, and legislation; and

WHEREAS, it is in the best interest of Nebraska state government and the citizens of Nebraska to reasonably resolve this issue if and when it can be done constitutionally; and

WHEREAS, the Attorney General, in cooperation with the administrative branch of government, of the State of Nebraska, has certain powers to accomplish settlement of disputed claims if the Attorney General functions within the Constitution and laws of the State of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature requests and, to the degree legally, permissible, and defensible, directs the Attorney General to attempt to accomplish settlement of any claims which involve the failure of the industrial bank system in Nebraska as manifested by the failures of Commonwealth Savings Company, State Security Savings, and American Savings Company, and if such settlement is legally justified and defensible, to present such settlement in proper form to the 1993 Nebraska Legislature for proper processing by the Legislature.

Laid over.

LEGISLATIVE RESOLUTION 443. Introduced by Hall, 7; Schmit, 23.

WHEREAS, The Legislature has acted to place before the voters LR219CA to be voted on May 12, 1992; and

WHEREAS, LR219CA purports to give the Legislature the power to grant personal property tax exemptions notwithstanding any other provision of the Constitution of Nebraska, so long as the classifications and exemptions are reasonable; and

WHEREAS, LR219CA purports to be retroactive to January 1, 1992, and to validate any act of the Legislature passed this year if it is enacted by the people; and

WHEREAS, "Any other provision of this Constitution" includes the normal processes for passing legislation, including the requirements of three stages of debate, seven days before the body, and presentation to the Governor.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That section 77-202, Revised Statutes Supplement, 1991, as amended by section 53, Legislative Bill 1063, Ninety-second Legislature, Second Session, 1992, be amended to read as follows:

77-202. (1) The following property shall be exempt from property taxes:

(a) Property of the state and its governmental subdivisions;

(b) Property owned by and used exclusively for agricultural and horticultural societies; and

(c) Property owned by educational, religious, charitable, or cemetery organizations and used exclusively for educational, religious, charitable, or cemetery purposes, when such property is not (i) owned or used for financial gain or profit to either the owner or user, (ii) used for the sale of alcoholic liquors for more than twenty hours per week, or (iii) owned or used by an organization which discriminates in membership or employment based on race, color, or national origin. For purposes of this subdivision, educational organization shall mean an institution operated exclusively for the purpose of offering regular courses with systematic instruction in academic, vocational, or technical subjects or a museum or historical society operated exclusively for the benefit and education of the public. For purposes of this subdivision, charitable organization shall mean an organization operated exclusively for the purpose of the mental, social, or physical benefit of the public or an indefinite number of persons. ~~; and~~

~~(d) Household goods and personal effects not owned or used for financial gain or profit to either the owner or user.~~

(2) The increased value of land by reason of shade and ornamental trees planted along the highway shall not be taken into account in the valuation of land.

~~(3) If a constitutional amendment amending Article VIII of the Constitution of Nebraska is adopted in 1992, tangible personal property which is not depreciable tangible personal property as defined in section 48 of this act shall be exempt from property tax.~~

~~(4)~~ (3) Vehicles registered pursuant to section 60-305.09 and for which the registration fees prescribed in such section have been paid and inventory held for resale by a licensed motor vehicle dealer shall be exempt from payment of property taxes.

~~(5) If a constitutional amendment amending Article VIII of the Constitution of Nebraska is adopted in 1992, business and agricultural inventory shall be exempt from the personal property tax.~~

~~(6) Any personal property exempt pursuant to subsection (2) of section 77-4105 shall be exempt from the personal property tax.~~

(4) All personal property as defined in section 77-104 other than motor vehicles which are required to be registered under sections 60-301 to 60-347 shall be exempt from property taxation.

2. That original section 77-202, Revised Statutes Supplement, 1991, as amended by section 53, Legislative Bill 1063, Ninety-second Legislature, Second Session, 1992, is repealed.

3. That the changes in section 77-202 made by this resolution shall become operative on January 1, 1992.

Laid over.

LEGISLATIVE RESOLUTION 444CA. Introduced by Schmit, 23; Hall, 7; Dierks, 40; Elmer, 38; L. Johnson, 15; R. Johnson, 34; Moore, 24.

A resolution to propose amending the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the general election in November 1992 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska to amend Article VIII, sections 1 and 2:

CVIII-1 "The necessary revenue of the state and its governmental subdivisions shall be raised by taxation in such manner as the Legislature may direct. Taxes shall be levied by valuation uniformly and proportionately upon all tangible property and franchises~~, except that~~ with the following exceptions: (1) The Legislature shall exempt all tangible personal property from taxation except for motor vehicles that are not inventory; (2) the Legislature may provide for a different method of taxing motor vehicles and may also establish a separate class of motor vehicles consisting of those owned and held for resale by motor vehicle dealers which shall be taxed in the manner and to the extent provided by the Legislature and may also establish a separate class for trucks, trailers, semitrailers, truck-tractors, or combinations thereof, consisting of those owned by residents and nonresidents of this state, and operating in interstate commerce, and may provide reciprocal and proportionate taxation of such vehicles; PROVIDED, that such tax proceeds from motor vehicles taxed in each county shall be allocated to the ~~state,~~ counties, townships, cities, villages, and school districts of such county in the same proportion that the levy of each bears to the total levy of the county on ~~personal tangible~~ taxable property; and ~~(2)~~ (3) the Legislature may provide that agricultural land and horticultural land, as defined by the Legislature, shall constitute a separate and distinct class of property for purposes of taxation and may provide for a different method of taxing agricultural land and horticultural land which results in values that are not uniform and proportionate with all other tangible property and franchises but which results in values that are uniform and proportionate upon all property within the class of agricultural land and horticultural land. The Legislature may enact laws to provide that the value of land actively devoted to agricultural or horticultural use shall for property tax purposes be that value which such land has for agricultural or horticultural use without regard to any value which such land might have for other purposes or uses and may prescribe standards and methods for the determination of the value of real or other tangible property at uniform and proportionate values. Taxes uniform as to class of property or the ownership or use thereof may be levied by valuation or otherwise upon classes of intangible property as the Legislature may determine, and such intangible property held in trust or otherwise for the purpose of funding pension, profit-sharing, or other employee benefit plans as defined by the Legislature may be declared exempt from taxation. Taxes other than property taxes may be authorized by law. Existing revenue laws shall continue in effect until changed by the Legislature. The Legislature may provide that livestock shall constitute a separate and distinct class of property for purposes of taxation and may further provide for reciprocal and proportionate taxation of livestock located in this state for only part of a year."

CVIII-2 "The property of the state and its governmental subdivisions shall be exempt from taxation. The Legislature by general law may exempt property owned by and used exclusively for agricultural and horticultural societies, and property owned and used exclusively for educational, religious, charitable, or cemetery purposes, when such property is not owned or used for financial gain or profit to either the owner or user. ~~Household goods and personal effects, as defined by law, may be exempted from taxation in whole or in part, as may be provided by general law, and the Legislature may prescribe a formula for the determination of value of household goods and personal effects.~~ The

Legislature by general law may provide that the increased value of land by reason of shade or ornamental trees planted along the highway shall not be taken into account in the assessment of such land. The Legislature by general law and upon any terms, conditions, and restrictions it prescribes, may provide that the increased value of real property resulting from improvements designed primarily for energy conservation may be exempt from taxation. The value of a home substantially contributed by the ~~Veterans' Administration of the~~ United States Department of Veterans Affairs for a paraplegic veteran or multiple amputee shall be exempt from taxation during the life of such veteran or until the death or remarriage of his ~~widow~~ or her ~~remarriage~~ surviving spouse. The Legislature may exempt from an intangible property tax life insurance and life insurance annuity contracts and any payment connected therewith and any right to pension or retirement payments. ~~The Legislature may classify personal property in such manner as it sees fit, and may exempt any of such classes, or may exempt all personal property from taxation.~~ No property shall be exempt from taxation except as provided in the Constitution. The Legislature may by general law provide that a portion of the value of any residence actually occupied as a homestead by any classification of owners as determined by the Legislature shall be exempt from taxation.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to exempt all tangible personal property from taxation except for motor vehicles that are not inventory.
For
Against".

Referred to the Reference Committee.

VISITORS

Visitors to the Chamber were Nate Lawyer and Will Schroeder from Grant; 33 fourth grade students and sponsors from Nemaha Valley Grade School, Talmage; 12 students and teacher from Meridian High School, Daykin; 30 fourth grade students and teacher from Central Elementary, Plattsmouth; and 32 students and teacher from South Sioux City High School.

The Doctor of the Day was Bill Doering from Franklin.

ADJOURNMENT

At 4:03 p.m., on a motion by Speaker Baack, the Legislature adjourned until 9:00 a.m., Tuesday, April 14, 1992.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTIETH DAY - APRIL 14, 1992

LEGISLATIVE JOURNAL

SIXTIETH DAY - APRIL 14, 1992

LEGISLATIVE JOURNAL

NINETY-SECOND LEGISLATURE
SECOND SESSION

SIXTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 14, 1992

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Moul presiding.

PRAYER

The prayer was offered by Rev. Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Chizek, Conway, Elmer, Hall, Horgan, R. Johnson, Landis, Lindsay, Morrissey, Schmit, Wesely, Wickersham, Will, Mmes. Labedz, and Nelson who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-ninth day was approved.

UNANIMOUS CONSENT - Member Excused

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 13, 1992, at 4:35 p.m., were the following bills: 754, 1115, 415, 1011, 718, 718A, and 719A.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

MOTION - Suspend Rules

Mr. Baack moved to suspend the rules, Rule 6, Section 7(b) and Rule 5, Section 6(f and g) to permit consideration of bills on Final Reading today.

The Baack motion to suspend the rules prevailed with 30 ayes, 0 nays, 3 present and not voting, and 16 excused and not voting.

UNANIMOUS CONSENT - Member Excused

Mr. Withem asked unanimous consent to be excused until he returns. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 291.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 28-106, 28-306, 39-603, 39-669.12, 39-669.15, 39-669.16, 39-669.17, and 39-669.39, Reissue Revised Statutes of Nebraska, 1943, sections 39-669.07, 39-669.08, 39-669.11, 39-669.14, 39-6,122, and 60-4,129, Revised Statutes Supplement, 1990, and sections 60-498 and 71-1,103, Revised Statutes Supplement, 1991; to change provisions relating to driving under the influence of alcohol or drugs; to provide for an alcohol assessment; to provide and change penalties; to change the applicability of certain provisions; to provide for the administrative revocation of operator's licenses; to change provisions relating to tests of blood, breath, or urine; to provide powers and duties; to provide for employment driving permits; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 28:

Ashford
Beutler
Beyer
Bohlke
Byars
Crosby
Cudaback
Dierks
Elmer
Haberman
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Kristensen
Lamb
Moore
Peterson
Pirsch
Rasmussen
Robinson
Rogers
Schrock
Warner

Wehrbein
Wesely
Will

Voting in the negative, 9:

Baack
Bernard-Stevens
Chambers
Coordsen
Hall
Lynch
Robak
Schellpeper
Schimek

Present and not voting, 2:

Landis
Wickersham

Excused and not voting, 10:

Abboud
Chizek
Conway
Johnson, R.
Labedz
Lindsay
Morrissey
Nelson
Schmit
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 291A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 291, Ninety-second Legislature, Second Session, 1992.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 32:

Ashford
Beutler
Beyer
Bohlke
Byars
Chizek
Coordsen
Crosby
Cudaback
Dierks
Elmer
Haberman
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Kristensen
Lamb
Landis
Moore
Peterson
Pirsch
Rasmussen
Robinson
Rogers
Schellpeper
Schmit
Schrock
Warner
Wehrbein
Wesely

Voting in the negative, 7:

Bernard-Stevens
Chambers
Hall
Lynch
Robak
Schimek
Will

Present and not voting, 2:

Baack
Wickersham

Excused and not voting, 8:

Abboud
Conway
Johnson, R.
Labedz
Lindsay
Morrissey
Nelson
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 319.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-336, Reissue Revised Statutes of Nebraska, 1943, sections 60-311 and 60-4,115, Revised Statutes Supplement, 1990, and section 39-2215, Revised Statutes Supplement, 1991; to change registration and license plate fees; to change the distribution of license and registration fees; to provide operative dates; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Ashford
Baack
Bernard-Stevens
Beyer
Bohlke
Byars
Chambers
Chizek
Coordsen
Crosby
Cudaback
Dierks
Elmer
Haberman
Hall
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Kristensen
Labedz
Lamb
Landis
Lindsay
Lynch
Moore
Peterson
Pirsch
Rasmussen
Robak
Robinson
Schellpeper
Schimek
Schmit
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 0.

Present and not voting, 2:

Beutler
Rogers

Excused and not voting, 5:

Abboud
Conway
Johnson, R.
Morrissey
Nelson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 339.

A BILL FOR AN ACT relating to game and parks; to authorize a memorandum of agreement for cooperative law enforcement as prescribed.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Ashford
Baack
Bernard-Stevens
Beutler
Bohlke
Byars
Chambers
Chizek
Coordsen
Crosby
Cudaback
Dierks
Elmer
Haberman
Hall
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Kristensen
Labedz
Lamb
Landis
Lindsay
Lynch
Moore
Peterson
Pirsch
Rasmussen
Robak
Robinson
Schellpeper
Schimek
Schmit
Warner
Wehrbein
Wesely
Will
Withem

Voting in the negative, 0.

Present and not voting, 4:

Beyer
Rogers
Schrock
Wickersham

Excused and not voting, 5:

Abboud
Conway
Johnson, R.
Morrissey
Nelson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 360.

A BILL FOR AN ACT relating to courts; to amend sections 8-1736, 13-512, 48-120, 48-155, 48-156, 48-163, 48-169, 48-170, 48-178, 48-179, 48-180, and 55-444, Reissue Revised Statutes of Nebraska, 1943, section

48-1,110, Revised Statutes Supplement, 1990, sections 24-1104, 25-1140, 25-1315.03, 25-21,167, 29-116, 29-2315.01, 29-2316, 42-351, 43-2,126, 46-210, 48-125, 48-182, 48-185, 48-808, 48-812, 55-445, 70-1326, 75-136, 75-137, 75-138, 77-1609, 77-1610, 81-1387, 83-1224, and 85-1418, Revised Statutes Supplement, 1991, and section 77-1510, Revised Statutes Supplement, 1991, as amended by section 128, Legislative Bill 1063, Ninety-second Legislature, Second Session, 1992; to change provisions relating to appeals to the Court of Appeals and Supreme Court; to harmonize provisions with the creation of the Court of Appeals; to change provisions relating to schedules of fees; to eliminate rehearings; to provide for attorney's fees and expedited hearings; to provide for court reporters, review procedures, and the correction of patent or obvious errors; to provide for the applicability of provisions; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud
Ashford
Baack
Bernard-Stevens
Beutler
Bohlke
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Cudaback
Elmer
Haberman
Hall
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Kristensen
Labedz
Lamb
Landis
Lindsay
Moore
Morrissey
Nelson
Peterson
Pirsch
Rasmussen
Robak
Robinson
Rogers
Schellpeper
Schimek
Schmit
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 0.

Present and not voting, 3:

Beyer
Dierks
Lynch

Excused and not voting, 1:

Johnson, R.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 431. With Emergency.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-1913.01, 71-1913.03, and 79-444.01, Reissue Revised Statutes of Nebraska, 1943; to adopt the Childhood Vaccine Act; to change immunization requirements for children enrolled in early childhood programs; to change duties; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Abboud
Ashford
Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Cudaback
Dierks
Elmer
Haberman
Hall
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Kristensen
Labedz
Lamb
Landis
Lindsay
Lynch
Moore
Morrissey
Nelson
Peterson
Pirsch
Rasmussen
Rogers
Schellpeper
Schimek
Schmit
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 0.

Present and not voting, 2:

Robak
Robinson

Excused and not voting, 1:

Johnson, R.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 542. With Emergency.

A BILL FOR AN ACT relating to the Youth Leadership Academy Act; to amend section 50-1003, Revised Statutes Supplement, 1990; to change the administration of the Legislative Academy for Youth Leadership; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

Abboud
Ashford
Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Byars
Chizek
Conway
Crosby
Cudaback
Dierks
Elmer
Haberman
Hall
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Kristensen
Labedz
Lamb
Landis
Lindsay
Lynch
Moore
Morrissey
Peterson
Pirsch
Rasmussen
Robinson
Schellpeper
Schimek
Warner
Wehrbein
Wesely
Wickersham
Withem

Voting in the negative, 4:

Nelson
Robak
Schmit
Schrock

Present and not voting, 4:

Chambers
Coordsen
Rogers
Will

Excused and not voting, 1:

Johnson, R.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 556.

A BILL FOR AN ACT relating to public offices; to amend sections 49-1499 and 49-14,123, Reissue Revised Statutes of Nebraska, 1943; to adopt the Campaign Finance Limitation Act; to change a provision relating to conflicts of interest involving members of commodity boards; to provide powers and duties for the Nebraska Accountability and Disclosure Commission; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Abboud
Ashford
Baack
Beutler
Bohlke
Byars
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Hall
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Kristensen
Landis
Lindsay
Moore
Morrissey
Nelson
Peterson
Rasmussen
Robak
Robinson
Rogers
Schellpeper
Schimek
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 13:

Bernard-Stevens
Beyer
Chambers
Cudaback
Haberman
Johnson, R.
Labedz
Lamb
Lynch
Pirsch
Schmit
Schrock
Warner

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 556A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 556, Ninety-second Legislature, Second Session, 1992.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Abboud
Ashford
Baack
Bernard-Stevens
Beutler
Bohlke
Byars
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Hall
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Kristensen
Landis
Lindsay
Moore
Morrissey
Nelson
Peterson
Rasmussen
Robak
Robinson
Rogers
Schellpeper
Schimek
Warner
Wehrbein

Wesely
Wickersham
Will
Withem

Voting in the negative, 10:

Beyer
Chambers
Cudaback
Haberman
Labedz
Lamb
Lynch
Pirsch
Schmit
Schrock

Present and not voting, 1:

Johnson, R.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 562.

A BILL FOR AN ACT relating to the Employment Security Special Contingent Fund; to amend section 48-621, Revised Statutes Supplement, 1990, and section 79-2664, Revised Statutes Supplement, 1991; to eliminate certain uses of the fund; to provide for the transfer of funds; to eliminate the Job Training Cash Fund; to provide an operative date; and to repeal the original sections, and also section 81-1201.21, Revised Statutes Supplement, 1990.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Abboud
Ashford
Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Cudaback
Dierks
Elmer
Haberman
Hall
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Johnson, R.
Kristensen
Labedz
Lamb
Landis
Lindsay
Lynch
Moore
Morrissey
Nelson
Peterson
Pirsch
Rasmussen
Robak
Robinson
Rogers
Schellpeper
Schmit
Schrock
Warner
Wehrbein
Wickersham
Will
Withem

Voting in the negative, 1:

Wesely

Present and not voting, 1:

Schimek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 672.

A BILL FOR AN ACT relating to retirement systems; to amend sections 2-1603, 2-1604, 2-1605, 2-1606, 2-1607, 16-1002, 16-1004 to 16-1011, 16-1013, 16-1014, 16-1016, 16-1018, 16-1019, 16-1026, 16-1027, 16-1029, 16-1030, 16-1034 to 16-1037, and 23-1118, Reissue Revised Statutes of Nebraska, 1943, and sections 24-703, 24-710, and 84-1503, Revised Statutes Supplement, 1991; to change provisions relating to county extension organizations; to provide that the employees of such combined organizations shall be participants in the Retirement System for Nebraska Counties; to define and redefine terms; to change and provide for benefits under retirement systems for police officers and for firefighters in cities of the first class; to provide for duties and expenses for the city and the retirement committee members; to change provisions relating to certain county contribution rates under the Retirement System for Nebraska Counties; to provide for a cost-of-living adjustment under the judges retirement system; to provide an additional duty for the Public Employees Retirement Board; to create a fund and provide for allocations to and expenditures from the fund; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Abboud
Ashford
Baack
Bernard-Stevens
Beyer
Bohlke
Chambers
Chizek
Conway
Coordsen
Crosby
Cudaback
Dierks
Elmer
Haberman
Hall
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Johnson, R.
Kristensen
Labedz
Lamb
Landis
Lindsay
Lynch
Moore
Morrissey
Nelson
Peterson
Pirsch
Rasmussen
Robak
Robinson
Rogers
Schellpeper
Schimek
Schmit
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 0.

Present and not voting, 2:

Beutler Byars

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

ANNOUNCEMENT

The Chair announced Thursday, April 16, is Senator Will's birthday.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LRs 428, 437, 435, 434, 433, 432, 431, 427, 426, 425, 424, 423, and 422.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 719.

A BILL FOR AN ACT relating to schools and school districts; to amend sections 79-402, 79-3806, and 79-3807, Revised Statutes Supplement, 1991, and section 79-3819, Revised Statutes Supplement, 1991, as amended by section 205, Legislative Bill 1063, Ninety-second Legislature, Second Session, 1992; to change a provision relating to changing boundaries of school districts; to change provisions relating to equalization aid and the computation of total formula need; to change provisions relating to limitations on the budgets of school districts; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Abboud
Ashford
Baack
Bernard-Stevens
Beutler
Bohlke
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Cudaback
Dierks
Elmer
Hall
Hartnett
Hefner

Horgan
Johnson, L.
Johnson, R.
Kristensen
Labedz
Lamb
Landis
Lindsay
Nelson
Peterson
Pirsch
Rasmussen
Robak
Rogers
Schellpeper
Schimek
Schmit
Schrock
Wehrbein
Wickersham
Will
Withem

Voting in the negative, 9:

Beyer
Haberman
Hillman
Lynch
Moore
Morrissey
Robinson
Warner
Wesely

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 835. With Emergency.

A BILL FOR AN ACT relating to public health and welfare; to amend section 44-4233, Reissue Revised Statutes of Nebraska, 1943, and sections 44-4228 and 80-401.01, Revised Statutes Supplement, 1991; to authorize coverage under the Comprehensive Health Insurance Pool for persons whose health coverage is involuntarily terminated; to change assessment provisions under the pool; to provide for coordination of pool coverage and veterans' benefits; to define terms relating to veterans; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Abboud
Ashford
Baack
Bernard-Stevens
Beyer
Bohlke
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Cudaback
Dierks
Elmer
Haberman
Hall
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Johnson, R.
Kristensen
Lamb
Landis
Lindsay
Moore
Morrissey
Nelson
Peterson
Pirsch
Rasmussen
Robinson
Rogers
Schellpeper
Schmit
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 0.

Present and not voting, 5:

Beutler
Labedz
Lynch
Robak
Schimek

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 899.

A BILL FOR AN ACT relating to highways; to amend section 39-1320, Reissue Revised Statutes of Nebraska, 1943; to provide for acquisition of property for certain purposes related to wetlands; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud
Ashford
Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Cudaback
Dierks
Elmer
Haberman
Hall
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Johnson, R.
Kristensen
Landis
Lindsay
Lynch
Moore
Morrissey
Nelson
Peterson
Pirsch
Rasmussen
Robak
Robinson
Rogers
Schellpeper
Schimek
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 1:

Schmit

Present and not voting, 2:

Labedz
Lamb

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 958.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 39-669.26, 39-6,103.05 to 39-6,103.08, 39-6,171, 60-311.15, 71-1907, and 79-488.07, Reissue Revised Statutes of Nebraska, 1943, and sections 39-602 and 39-6,103.01, Revised Statutes Supplement, 1990; to require the use of occupant protection systems; to define and redefine terms; to provide a penalty and an exception to the point system; to provide for enforcement and admissibility of evidence; to provide exceptions; to change provisions relating to transportation for child care and school children; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 27:

Ashford
Beutler
Beyer
Bohlke
Byars
Chizek
Crosby
Cudaback
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Kristensen
Landis
Lindsay
Lynch
Nelson
Rasmussen
Robinson
Rogers
Schimek
Schrock
Warner
Wehrbein
Wesely
Withem

Voting in the negative, 22:

Abboud
Baack
Bernard-Stevens
Chambers
Conway
Coordsen
Dierks
Elmer
Haberman
Hall
Johnson, R.
Labedz
Lamb
Moore
Morrissey
Peterson
Pirsch
Robak
Schellpeper
Schmit
Wickersham
Will

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 965.

A BILL FOR AN ACT relating to the Legislature; to amend sections 66-802, 66-812, 66-813, 81-650, 84-120, and 84-121, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to legislative committees; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Abboud
Ashford
Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Cudaback
Dierks
Elmer
Haberman
Hall
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Johnson, R.
Kristensen
Lamb
Landis
Lindsay
Moore
Morrissey
Nelson
Peterson
Pirsch
Rasmussen
Robak
Robinson
Rogers
Schellpeper
Schimek
Schmit
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 0.

Present and not voting, 2:

Labedz
Lynch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 976. With Emergency.

A BILL FOR AN ACT relating to the Coordinating Commission for Postsecondary Education; to amend section 85-1415, Revised Statutes Supplement, 1991; to change approval procedures for capital construction projects; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Abboud
Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Cudaback

Dierks
Elmer
Haberman
Hall
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Johnson, R.
Kristensen
Lamb
Landis
Lindsay
Moore
Morrissey
Nelson
Peterson
Pirsch
Rasmussen
Robak
Robinson
Schellpeper
Schimek
Schmit
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 0.

Present and not voting, 3:

Ashford
Lynch
Rogers

Excused and not voting, 1:

Labedz

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 988.

A BILL FOR AN ACT relating to the Legislature; to amend sections 50-419 and 77-27,119.02, Reissue Revised Statutes of Nebraska, 1943, and section 85-969, Revised Statutes Supplement, 1991; to adopt the Legislative Program Evaluation Act; to eliminate certain duties of the Legislative Fiscal Analyst; to eliminate the Performance Review and Audit Committee and the Appropriations and Expenditures Review Act of 1977; to provide duties for the Appropriations Committee of the Legislature; to harmonize provisions; and to repeal the original sections, and also sections 50-419.02, 50-419.03, 50-701.01, 50-701.02, and 50-702, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud
Ashford
Baack

Bernard-Stevens
Beutler
Beyer
Bohlke
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Cudaback
Elmer
Haberman
Hall
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Kristensen
Lamb
Landis
Lindsay
Lynch
Moore
Morrissey
Nelson
Peterson
Pirsch
Rasmussen
Robak
Rogers
Schellpeper
Schimek
Schmit
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 0.

Present and not voting, 2:

Johnson, R.
Robinson

Excused and not voting, 2:

Dierks
Labedz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Messrs. Rogers, Wickersham, Morrissey, and Chizek asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 1001. With Emergency.

A BILL FOR AN ACT relating to schools and school districts; to amend sections 23-3305, 79-433, 79-434, 79-1047, 79-1252, 79-1285, and 79-1515, Reissue Revised Statutes of Nebraska, 1943, sections 79-4,141.01, 79-4,207, 79-1044.01, 79-1045, 79-1049, 79-1056.06, 79-2648, 79-2650, 79-3402, 79-3408, and 79-3805, Revised Statutes Supplement, 1990, sections 58-201 to 58-203, 58-207, 58-207.01, 58-219, 79-101.01, 79-402.20, 79-451, 79-4,102, 79-1032, 79-1043, 79-1369, 79-1384, 79-1501, 79-3407, 79-3409, 79-3410, 79-3811, 79-3815, and 79-3824, Revised Statutes Supplement, 1991, section 77-3439, Revised Statutes Supplement, 1991, as amended by section 192, Legislative Bill 1063, Ninety-second Legislature, Second Session, 1992, Laws 1988, LB 940, section 19, as amended by Laws 1991, LB 511, section 90, and Laws 1988, LB 940, section 18, as amended by Laws 1990, LB 259, section 34, and by Laws 1991, LB 511, section 89; to change provisions relating to reporting dates; to define and redefine terms; to provide for additional permissible uses of proceeds of bond issues under the Nebraska Investment Finance Authority Act; to change provisions relating to the taxing authority of community college boards of governors and educational service unit boards; to provide for division of assets and liabilities among reorganizing school districts; to change provisions relating to dissolution of certain school districts as prescribed; to provide for payment of expenses for governing board members as prescribed; to change provisions relating to certification of valuation and tax levies and applicability of such provisions; to change provisions relating to reports and to calculation of nonresident high school tuition; to change provisions relating to school district audits; to provide for levying a tax for removal of accessibility barriers; to provide for and change provisions relating to cost-of-living adjustments, buy-backs, formula annuities, survivorship annuities, and cash rollover contributions under retirement systems in Class V school districts; to change provisions relating to teacher disciplinary proceedings; to provide powers for the Commissioner of Education; to provide for adjustment of allocated payments; to change provisions relating to credit for military service under the School Employees Retirement System; to change provisions relating to waiver of deadlines and transportation agreements for the enrollment option program; to change provisions relating to payments, calculations, and determination of receipts under the Tax Equity and Educational Opportunities Support Act; to provide a duty for the Revisor of Statutes; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Abboud
Ashford
Baack
Bernard-Stevens
Beyer
Bohlke
Byars
Chambers
Conway
Coordsen
Crosby
Cudaback
Dierks
Elmer
Haberman
Hall
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Kristensen
Labedz
Lamb
Landis
Lindsay
Lynch
Moore
Nelson
Peterson
Pirsch
Rasmussen
Robak
Robinson
Schellpeper
Schimek
Schmit
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 0.

Present and not voting, 2:

Beutler
Johnson, R.

Excused and not voting, 3:

Chizek Morrissey Rogers

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 1019. With Emergency.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 21-2216, 28-401, 28-406, 71-161.09, 71-1,107.30, 71-1,132.05, 71-1,132.18, 71-1,142, 71-1,147.02, 71-502.04, 71-602, 71-611, 71-614, 71-628, 71-636, 71-644, 71-648, 71-1327, 71-1332, 71-1524, 71-1558, 71-1561, 71-1564, 71-1565, 71-1706, 71-1716.04, 71-1728, 71-1729, 71-1730, 71-1731, 71-1734, 71-2059, 71-2610.01, 71-4702, 71-4714.01, 71-4715, 71-6053, 71-6058, 71-6060, 71-6061, 71-6063, 71-6067, 71-6068, 71-6114, 71-6801, 71-6803, 71-6810, 71-6816, 71-6820, 71-6821, 84-1410, and 84-1414, Reissue Revised Statutes of Nebraska, 1943, sections 27-504, 28-404, 28-405, 28-1439.01, 48-232, 48-233, 79-4,228, and 84-1409, Revised Statutes Supplement, 1990, sections 71-147, 71-162, 71-1,103, 71-605.02, 71-612, 71-617.15, 71-627, 71-634, 71-1331, 71-1559, 71-6054 to 71-6056, and 81-647, Revised Statutes Supplement, 1991, section 23-3552, Reissue Revised Statutes of Nebraska, 1943, as amended by section 23, Legislative Bill 1063, Ninety-second Legislature, Second Session, 1992, and Laws 1990, LB 551, section 32; to adopt the Wholesale Drug Distributor Licensing Act and the Community Public Health Services Act; to change, provide, and eliminate provisions relating to registration fees for professional corporations, tax levy limits for hospital districts, anabolic steroids, actions against credentials, continuing education, fees, unauthorized practice of medicine, prescription of medications, clinical nurse specialists, unauthorized practice of pharmacy, notification of test results and testing methods, vital statistics and other records, reports, housing authorities, modular housing units, appointments to an advisory board, nurse practitioners, nurse practitioner-anesthetists, acquisition and use of medical buildings, rules and regulations, remuneration of a regulatory board, nursing home administrators, clinical laboratories, transfusion services and bloodbanking, public meetings, and penalties; to change operative date provisions; to harmonize provisions; to provide operative dates; to repeal the original sections, and also sections 71-1732 and

71-1733, Reissue Revised Statutes of Nebraska, 1943, and sections 28-446 and 28-447, Revised Statutes Supplement, 1990; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Abboud
Ashford
Baack
Bernard-Stevens
Beyer
Bohlke
Byars
Chizek
Conway
Coordsen
Crosby
Cudaback
Dierks
Elmer
Haberman
Hall
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Johnson, R.
Kristensen
Labedz
Lamb
Landis
Lindsay
Lynch
Morrissey
Nelson
Peterson
Pirsch
Rasmussen
Robak
Robinson
Rogers
Schellpeper
Schimek
Schmit
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 0.

Present and not voting, 3:

Beutler
Chambers
Moore

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 1019A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1019, Ninety-second Legislature, Second Session, 1992.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud
Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Chizek
Conway
Coordsen
Crosby
Cudaback
Dierks
Elmer
Hall
Hartnett
Hefner
Hillman
Johnson, L.
Johnson, R.
Kristensen
Labedz
Lamb
Landis
Lindsay
Lynch
Morrissey
Nelson
Peterson
Pirsch
Rasmussen
Robak
Rogers
Schellpeper
Schimek
Schmit
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 0.

Present and not voting, 6:

Ashford
Byars
Chambers
Horgan
Moore
Robinson

Excused and not voting, 1:

Haberman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 291, 291A, 319, 339, 360, 431, 542, 556, 556A, 562, 672, 719, 835, 899, 958, 965, 976, 988, 1001, 1019, and 1019A.

MESSAGE FROM THE GOVERNOR

April 14, 1992

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 1138 and 1138A were received in my office on April 8, 1992.

These bills were signed by me on April 14, 1992, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of April 13, 1992. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Vickers, Tom - Lincoln (Withdrawn 4/13/92)	Nebraska Motorcyclist Coalition

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative resolution 444CA.

LR	Committee
444CA	Revenue

(Signed) Jerome Warner, Chairperson
Legislative Council
Executive Board

VISITORS

Visitors to the Chamber were 36 fifth grade students and teachers from Doniphan.

RECESS

At 11:56 a.m., on a motion by Speaker Baack, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Moul presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Chambers, Kristensen, Landis, Lindsay, Moore, Rogers, Schmit, Mmes. Bohlke, and Rasmussen who were excused until they arrive.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 14, 1992, at 1:30 p.m., were the following bills: 291, 291A, 319, 339, 360, 431, 542, 556, 556A, 562, 672, 719, 835, 899, 958, 965, 976, 988, 1001, 1019, and 1019A.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative resolution 441.

LR	Committee
441	Appropriations

(Signed) Jerome Warner, Chairperson
Legislative Council
Executive Board

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 1257. With Emergency.

A BILL FOR AN ACT relating to the environment; to amend sections 9-812, 9-823, 13-1701, 13-1703, 13-1704, 13-1709, 14-102, 18-2528, 19-2111, 69-2008, 69-2009, 71-1631, 81-1501, 81-1502, 81-1503, 81-1504, 81-1505, 81-1505.01, 81-1506, 81-1507, 81-1510, 81-1511, 81-1512, 81-1516, 81-1527, 81-1566, and 81-1572 to 81-1574, Reissue Revised Statutes of Nebraska, 1943, sections 81-15,159, 81-15,160, 81-1602, 81-1645, 81-1646, and 81-1648, Revised Statutes Supplement, 1990, sections 58-202, 58-203, 58-219, 58-239, 58-253, 81-1508, 81-1528, 81-1532, and 81-1647, Revised Statutes Supplement, 1991, and section 14-1108, Reissue Revised Statutes of Nebraska, 1943, as amended by section 34, Legislative Bill 746, Ninety-second Legislature, Second Session, 1992; to adopt the Integrated Solid Waste Management Act; to adopt the Nebraska Environmental Trust Act; to create the Solid Waste Landfill Closure Assistance Fund and provide procedures for its use; to change provisions relating to the distribution of proceeds from the State Lottery Act; to change provisions relating to municipal referendums and limited referendums; to define and redefine terms; to change provisions relating to siting approval and garbage disposal fees; to authorize the issuance of bonds by the Nebraska Investment Finance Authority for solid waste management; to state and restate intent; to rename the Department of Environmental Control, the Director of Environmental Control, the Environmental Control Council, and the Department of Environmental Control Cash Fund; to provide and change powers and duties for the Department of Environmental Quality, the Environmental Quality Council, and the State Board of Health; to create the Small Business Compliance Advisory Panel; to provide for an emission fee; to provide for a public advocate; to change provisions relating to the control of air pollution; to change a reference to federal law; to change, provide, and eliminate penalty and enforcement provisions; to prohibit disposal of solid waste as prescribed; to provide exemptions; to change the date of an exemption as prescribed; to change a termination date relating to the Nebraska Litter Reduction and Recycling Act; to change administration of the State Government Recycling Management Act; to eliminate an appropriation; to eliminate provisions relating to preliminary orders and processing of applications; to eliminate provisions relating to solid waste disposal plans, permits, licenses, and siting procedures, to disposal of household refuse, and to landfill operations; to provide a duty for the Revisor of Statutes; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections, and also sections 19-2107, 19-2112, 19-2113, 19-4101 to 19-4121, 81-1517 to 81-1520, 81-1522, and 81-1571, Reissue Revised Statutes of Nebraska, 1943, and Laws 1991, LB 429A, section 1; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Abboud
Ashford
Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Chizek
Conway
Coordsen
Crosby
Cudaback
Dierks
Elmer
Hall
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Johnson, R.
Kristensen
Labedz
Landis
Lindsay
Lynch
Moore
Morrissey
Nelson

Peterson
Pirsch
Rasmussen
Robak
Robinson
Rogers
Schellpeper
Schimek
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 3:

Chambers
Lamb
Schmit

Present and not voting, 2:

Byars
Haberman

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB 1257A to Select File

Mr. Schmit moved to return LB 1257A to Select File for the following specific amendment:
FA403
Strike the enacting clause.

Mr. Schmit withdrew his motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1257A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1257, Ninety-second Legislature, Second Session, 1992; to reduce appropriations to the Governor's Policy Research Office; to provide operative dates; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Abboud
Ashford
Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Chambers

Chizek
Conway
Coordsen
Crosby
Cudaback
Dierks
Elmer
Hall
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Johnson, R.
Kristensen
Lamb
Landis
Lindsay
Moore
Morrissey
Nelson
Peterson
Pirsch
Rasmussen
Robak
Robinson
Rogers
Schellpeper
Schimek
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 0.

Present and not voting, 5:

Byars
Haberman
Labedz
Lynch
Schmit

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1059.

A BILL FOR AN ACT relating to courts; to amend sections 24-515, 25-1565, 25-1570, 25-2209, 25-2213, 25-2229, 25-2232, 25-2233, 25-2234, 25-2235, 25-2238, 25-2239, and 29-2281, Reissue Revised Statutes of Nebraska, 1943, sections 29-1901, 29-2259, and 29-2259.01, Revised Statutes Supplement, 1990, and sections 24-209, 24-301.02, 24-503, 24-803, 24-810, 29-812, and 29-3302, Revised Statutes Supplement, 1991; to permit the Supreme Court to authorize use of electronic research capabilities by judges; to provide for furnishing the Governor with an advance copy of the opinions of the Supreme Court; to change judicial districts; to provide responsibility for the costs of word processing in county courts and by probation officers; to create the Judicial Resources Commission; to provide for membership and expenses; to provide powers and duties; to change a provision relating to execution against the property of a judgment debtor; to change a subpoena requirement; to change and eliminate record requirements; to authorize use of constables as prescribed; to change powers of constables; to eliminate fees; to provide a witness fee; to change a fund name; to provide a manner of payment of restitution; to provide severability; and to repeal the original sections, and also section 25-2212, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Abboud
Ashford
Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Chambers
Chizek
Conway
Coordsen
Crosby
Cudaback
Hall
Hartnett
Hefner
Hillman
Horgan
Kristensen
Landis
Lindsay
Lynch
Moore
Morrissey
Nelson
Peterson
Pirsch
Rasmussen
Robak
Robinson
Schellpeper
Schimek
Schmit
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 7:

Dierks
Elmer
Haberman
Johnson, L.
Johnson, R.
Lamb
Rogers

Present and not voting, 3:

Byars
Labedz
Schrock

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1063A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1991, LB 843, section 14; to appropriate funds to the Department of Revenue; to reduce certain appropriations to the State Treasurer and the Legislative Council; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Abboud
Ashford
Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Chizek
Conway
Coordsen
Crosby
Cudaback
Elmer
Haberman
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Johnson, R.
Kristensen
Labedz
Lamb
Landis
Lindsay
Moore
Morrissey
Peterson
Pirsch
Rasmussen
Robak
Robinson
Rogers
Schellpeper
Schimek
Schmit
Schrock
Warner
Wehrbein

Wesely Wickersham Will Withem

Voting in the negative, 0.

Present and not voting, 6:

Byars Dierks Hall Lynch Nelson
Chambers

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB 1098 to Select File

Mr. Beutler moved to return LB 1098 to Select File for the following specific amendment:
AM4106

(Amendments to Standing Committee amendments, AM3161)

1. Strike sections 1 to 5 and 8 and insert the following new sections:

"Section 1. That section 28-310, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-310. (1) A person commits the offense of assault in the third degree if he or she:

(a) Intentionally, knowingly, or recklessly causes bodily injury to another person; or

(b) Threatens another in a menacing manner.

(2) Assault in the third degree shall be a Class I misdemeanor unless committed in a fight or scuffle entered into by mutual consent, in which case it shall be a Class II misdemeanor, and assault in the third degree shall be a Class IV felony if the person was previously convicted of violating this section, within seven years of the date of the current conviction, by an act against the same victim.

Sec. 4. That original section 28-310, Reissue Revised Statutes of Nebraska, 1943, and sections 42-903 and 42-924, Revised Statutes Supplement, 1990, are repealed.".

2. On page 6, lines 8 and 9, strike the new matter and reinstate the stricken matter.

3. Renumber the remaining sections accordingly.

Mrs. Robak moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

The Beutler motion to return lost with 2 ayes, 25 nays, 21 present and not voting, and 1 excused and not voting.

Mr. Chambers moved to return LB 1098 to Select File for the following specific amendment:
FA404
Strike the enacting clause.

Mr. Will asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. Chambers requested a record vote on his motion to return.

Voting in the affirmative, 3:

Beutler
Chambers
Elmer

Voting in the negative, 19:

Beyer
Bohlke
Byars
Chizek
Conway
Coordsen
Crosby
Hefner
Johnson, L.
Landis
Morrissey
Peterson
Pirsch
Robak
Schellpeper
Schrock
Wesely
Wickersham
Withem

Present and not voting, 25:

Abboud
Ashford
Baack
Bernard-Stevens
Cudaback
Dierks
Haberman
Hall
Hartnett
Hillman
Horgan
Kristensen
Labedz
Lamb
Lindsay
Lynch
Moore
Nelson
Rasmussen
Robinson
Rogers
Schimek
Schmit
Warner
Wehrbein

Excused and not voting, 2:

Johnson, R.
Will

The Chambers motion to return lost with 3 ayes, 19 nays, 25 present and not voting, and 2 excused and not voting.

UNANIMOUS CONSENT - Member Excused

Mr. Robinson asked unanimous consent to be excused until he returns. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1098.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 42-903 and 42-924, Revised Statutes Supplement, 1990, and section 28-101, Revised Statutes Supplement, 1991; to define terms; to provide for the crime of stalking; to provide penalties; to authorize issuance of a protective order; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud
Ashford
Baack
Bernard-Stevens
Beyer
Bohlke
Byars
Chizek
Conway
Coordsen
Crosby
Cudaback
Dierks
Elmer
Haberman
Hall
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Kristensen
Labedz
Lamb
Landis
Lindsay
Lynch
Moore
Morrissey
Nelson
Peterson
Pirsch
Rasmussen
Robak
Rogers
Schellpeper
Schimek
Schmit
Schrock
Warner
Wehrbein
Wesely
Wickersham
Withem

Voting in the negative, 2:

Beutler
Chambers

Excused and not voting, 3:

Johnson, R.
Robinson
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1099.

A BILL FOR AN ACT relating to public health and welfare; to provide for education and recruitment of potential bone marrow donors; and to provide duties for the Director of Health, the Director of Motor Vehicles, and the Director of Personnel.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud
Ashford
Baack
Bernard-Stevens
Beyer
Bohlke
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Cudaback
Dierks
Elmer
Haberman
Hall
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Kristensen
Labedz
Lamb
Landis
Lynch
Moore
Morrissey
Nelson
Peterson
Pirsch
Rasmussen
Robak
Rogers
Schellpeper
Schimek
Schmit
Schrock
Warner
Wehrbein
Wesely
Wickersham
Withem

Voting in the negative, 0.

Present and not voting, 2:

Beutler
Lindsay

Excused and not voting, 3:

Johnson, R.
Robinson
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1099A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1099, Ninety-second Legislature, Second Session, 1992.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud
Ashford
Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Cudaback
Dierks
Elmer
Haberman
Hall
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Labedz
Lamb
Landis
Lindsay
Lynch
Moore
Nelson
Peterson
Pirsch
Rasmussen
Robak
Rogers
Schellpeper
Schimek
Schmit
Schrock
Warner
Wehrbein
Wesely
Wickersham
Withem

Voting in the negative, 0.

Present and not voting, 2:

Kristensen
Morrissey

Excused and not voting, 3:

Johnson, R.
Robinson
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1184.

A BILL FOR AN ACT relating to children; to amend sections 24-519, 28-710, 28-713, 43-278, 43-292, 43-2,107, 83-4,124, 83-4,125, 83-4,131, 83-4,132, and 83-4,134, Reissue Revised Statutes of Nebraska, 1943, sections 43-272.01, 43-285, and 83-4,126, Revised Statutes Supplement, 1990, and sections 28-101, 42-358, and 83-4,133, Revised Statutes Supplement, 1991; to state intent; to authorize the establishment of child abuse and neglect investigation and treatment teams and services as prescribed; to provide for, change, and eliminate duties of the teams, county attorneys, the Attorney General, the Department of Social Services, and the Department of Administrative Services; to provide an operative date for certain provisions; to change and eliminate provisions relating to reports and to confidentiality of certain records as prescribed; to define and redefine terms; to provide for immunity; to provide for the assessment of attorney's fees as costs; to change provisions relating to the appointment and duties of guardians ad litem; to provide and eliminate time limits for certain proceedings; to provide for telephonic hearings; to change provisions relating to termination of parental rights; to provide penalties; to restate intent; to provide for inspections of juvenile detention facilities; to harmonize provisions; to provide severability; and to repeal the original sections, and also section 83-944, Reissue Revised Statutes of Nebraska, 1943, and section 28-712, Revised Statutes Supplement, 1990.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Abboud
Ashford
Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Cudaback
Dierks
Elmer
Haberman
Hall
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Johnson, R.
Kristensen
Labedz
Lamb
Landis
Lindsay
Lynch
Moore
Morrissey
Nelson
Peterson
Pirsch
Rasmussen
Robak
Robinson
Rogers
Schellpeper
Schimek
Schmit
Schrock
Warner
Wehrbein
Wesely
Wickersham
Withem

Voting in the negative, 0.

Excused and not voting, 1:

Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1184A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1184, Ninety-second Legislature, Second Session, 1992.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud
Ashford
Baack
Bernard-Stevens
Beyer
Bohlke
Byars
Chizek
Conway
Coordsen
Crosby
Cudaback
Dierks
Elmer
Haberman
Hall
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Johnson, R.
Kristensen
Labedz
Lamb
Landis
Lindsay
Lynch
Moore
Morrissey
Nelson
Peterson
Pirsch
Rasmussen
Robak
Robinson
Rogers
Schellpeper
Schimek
Schmit
Schrock
Warner
Wehrbein
Wesely
Wickersham
Withem

Voting in the negative, 0.

Present and not voting, 2:

Beutler
Chambers

Excused and not voting, 1:

Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 1192 to Select File

Mr. Wickersham moved to return LB 1192 to Select File for the following specific amendment:
FA405
On page 6:
inserting "residential" on line 2, after "to"
inserting ", and on all other real estate at the rate of one dollar and fifty cents for each one thousand dollars of value or fraction thereof." on line 4, after "thereof"
On page 7:
inserting "on residential real estate." on line 12, after "76-901"
reinstating the stricken language on lines 18-22

inserting "On all real estate other than residential real estate, " on line 18, after "Fund. "

striking "The" on line 18, and inserting "the"

Mr. Wickersham withdrew his motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1192.

A BILL FOR AN ACT relating to homeless persons; to amend sections 76-901 and 76-903, Reissue Revised Statutes of Nebraska, 1943; to adopt the Homeless Shelter Assistance Trust Fund Act; to provide an increase in the documentary stamp tax and to change distribution of such tax; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Abboud
Ashford
Baack
Beyer
Bohlke
Byars
Chambers
Chizek
Conway
Crosby
Cudaback
Dierks
Hall
Hartnett
Hillman
Horgan
Johnson, L.
Kristensen
Labedz
Lamb
Landis
Lindsay
Lynch
Morrissey
Nelson
Peterson
Pirsch
Rasmussen
Robak
Robinson
Schellpeper
Schimek
Schmit
Schrock
Wehrbein
Wesely
Will
Withem

Voting in the negative, 8:

Beutler
Coordsen
Elmer
Haberman
Hefner
Moore
Warner
Wickersham

Present and not voting, 3:

Bernard-Stevens
Johnson, R.
Rogers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1192A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1192, Ninety-second Legislature, Second Session, 1992.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Abboud
Ashford
Baack
Bernard-Stevens
Beyer
Bohlke
Byars
Chambers
Chizek
Conway
Crosby
Cudaback
Dierks
Hall
Hartnett
Hillman
Horgan
Johnson, L.
Kristensen
Labedz
Lamb
Landis
Lindsay
Lynch
Morrissey
Nelson
Peterson
Pirsch
Rasmussen
Robak
Robinson
Schellpeper
Schimek
Schmit
Schrock
Wehrbein
Wesely
Will
Withem

Voting in the negative, 6:

Coordsen
Elmer
Haberman
Hefner
Moore
Warner

Present and not voting, 4:

Beutler
Johnson, R.
Rogers
Wickersham

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1240.

A BILL FOR AN ACT relating to political subdivisions; to amend sections 16-239, 17-961 to 17-966, 23-3501, 23-3516, 23-3519, and 23-3553, Reissue Revised Statutes of Nebraska, 1943; to state intent; to define terms; to provide for the designation of enterprise zones; to provide powers and duties for the Legislature, the Department of Economic Development, and counties, cities, and villages as prescribed; to authorize the establishment of enterprise associations as prescribed and to provide duties; to provide rules and regulations; to authorize certain cities, villages, and counties to establish multiunit housing; to eliminate a bond registration requirement; to harmonize provisions; and to repeal the original sections, and also section 23-3518, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud
Ashford
Baack
Bernard-Stevens
Beyer
Bohlke
Byars
Chambers
Chizek
Conway
Coordsen
Cudaback
Dierks
Haberman
Hall
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Johnson, R.
Kristensen
Lamb
Landis
Lindsay
Lynch
Moore
Morrissey
Nelson
Peterson
Pirsch
Rasmussen
Robak
Robinson
Rogers
Schellpeper
Schimek
Schmit
Schrock
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 2:

Crosby
Elmer

Present and not voting, 3:

Beutler
Labedz
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1241. With Emergency.

A BILL FOR AN ACT relating to property; to amend sections 39-1320, 72-801, 72-803, 72-811 to 72-816, 81-145, 81-146, 81-153, 81-154, 81-159, 81-161, 81-161.03, 81-161.05, 81-162, 81-1108.15, 81-1108.16, 81-1108.22, 81-1108.41, 81-1118, and 81-1118.03, Reissue Revised Statutes of Nebraska, 1943; to state intent; to limit a rental rate and reimbursement as prescribed; to change responsibilities and powers concerning purchase, lease, and disposition of real and personal property by and for state agencies; to change the membership of the Vacant Building and Excess Land Committee; to provide powers and duties for the Committee on Building Maintenance and the Department of Administrative Services; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

Abboud
Ashford
Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Cudaback
Dierks
Elmer
Haberman
Hall
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Johnson, R.
Kristensen
Lamb
Landis
Lindsay
Lynch
Moore
Morrissey
Nelson
Peterson
Pirsch
Rasmussen
Robak
Robinson
Rogers
Schellpeper
Schimek
Schmit
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 0.

Present and not voting, 1:

Labedz

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1241A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1241, Ninety-second Legislature, Second Session, 1992; to appropriate funds for renovation of a building; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Abboud
Ashford
Baack
Bernard-Stevens
Beutler
Beyer
Bohlke
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Cudaback
Dierks
Elmer
Haberman
Hall

Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Johnson, R.
Kristensen
Lamb
Landis
Lindsay
Lynch
Moore
Nelson
Peterson
Pirsch
Rasmussen
Robak
Robinson
Rogers
Schellpeper
Schimek
Schmit
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 0.

Present and not voting, 2:

Labedz
Morrissey

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 1257, 1257A, 1059, 1063A, 1098, 1099, 1099A, 1184, 1184A, 1192, 1192A, 1240, 1241, and 1241A.

MESSAGE FROM THE GOVERNOR

April 14, 1992

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Madam President and Senators:

Engrossed Legislative Bills 718 and 718A were received in my office on April 13, 1992.

LB 718 provides a significant extension of our state's current gambling laws by allowing certain types of off-track wagering.

I have concerns that LB 718 and LB 718A do not provide the assurances of adequate regulation and enforcement of off-track wagering that would be necessary for me to sign these bills. Establishing the necessary safeguards must involve both industry representatives and those who regulate the industry. I am not convinced that such involvement has taken place. Therefore, I am returning LB 718 and LB 718A without my signature and with my objections.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

STANDING COMMITTEE REPORT
Natural Resources

LEGISLATIVE RESOLUTION 220. Placed on General File.

(Signed) Rod Johnson, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 445. Introduced by Education Committee: Withem, 14, Chairperson; Chizek, 31; Dierks, 40; Lamb, 43; Warner, 25; and Rasmussen, 20; Ashford, 6.

PURPOSE: To study the pros and cons of selecting school board candidates through the caucus system, the primary system, or both, and assess the advisability of a referendum on this issue to be submitted to the citizens of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 439. Read. Considered.

LR 439 was adopted with 31 ayes, 0 nays, and 18 not voting.

LEGISLATIVE RESOLUTION 440. Read. Considered.

LR 440 was adopted with 37 ayes, 3 nays, and 9 not voting.

LEGISLATIVE RESOLUTION 443. Read. Considered.

Mr. Hall asked unanimous consent to pass over LR 443. No objections. So ordered.

MOTION - Suspend Rules

Mr. Schmit moved to suspend the rules, Rule 4, Section 2, to permit consideration of LR 444CA.

Mr. Schmit withdrew his motion to suspend the rules.

RESOLUTIONS

LEGISLATIVE RESOLUTION 442. Read. Considered.

Mr. Haberman requested a record vote on the adoption of LR 442.

Voting in the affirmative, 29:

Ashford
Beutler
Beyer
Bohlke
Byars
Chambers
Chizek
Coordsen
Crosby
Dierks
Elmer
Hall
Hartnett
Horgan
Landis
Lindsay
Lynch
Moore
Morrissey
Nelson
Rasmussen
Rogers
Schimek
Schmit
Warner
Wehrbein
Wesely
Wickersham
Withem

Voting in the negative, 1:

Haberman

Present and not voting, 19:

Abboud
Baack
Bernard-Stevens
Conway
Cudaback
Hefner
Hillman
Johnson, L.
Johnson, R.
Kristensen
Labedz
Lamb
Peterson
Pirsch
Robak
Robinson
Schellpeper
Schrock
Will

LR 442 was adopted with 29 ayes, 1 nay, and 19 not voting.

LEGISLATIVE RESOLUTION 446. Introduced by Lamb, 43; Abboud, 12; Ashford, 6; Baack, 47; Bernard-Stevens, 42; Beutler, 28; Beyer, 3; Bohlke, 33; Byars, 30; Chambers, 11; Chizek, 31; Conway, 17; Coordsen, 32; Crosby, 29; Cudaback, 36; Dierks, 40; Elmer, 38; Haberman, 44; Hall, 7; Hartnett, 45; Hefner, 19; Hillman, 48; Horgan, 4; L. Johnson, 15; R. Johnson, 34; Kristensen, 37; Labedz, 5; Landis, 46; Lindsay, 9; Lynch, 13; Moore, 24; Morrissey, 1; Nelson, 35; Peterson, 21; Pirsch, 10; Rasmussen, 20; Robak, 22; Robinson, 16; Rogers, 41; Schellpeper, 18; Schimek, 27;

Schmit, 23; Schrock, 39; Warner, 25; Wehrbein, 2; Wesely, 26; Wickersham, 49; Will, 8; Withem, 14.

WHEREAS, State Budget Administrator John Rochford has served as a valuable state employee since 1971; and

WHEREAS, John Rochford has worked in the Legislative Fiscal Office, the budget division of the Department of Administrative Services, and the State Treasurer's office; and

WHEREAS, John Rochford was the Director of Administrative Services from 1987 to 1990; and

WHEREAS, John Rochford has been hospitalized recently with a heart problem.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the members of the Legislature wish John a speedy return to good health.
2. That a copy of this resolution be sent to John Rochford.

MOTION - Suspend Rules

Mr. Lamb moved to suspend the rules, Rule 4, Section 6, to permit consideration of LR 446.

The Lamb motion to suspend the rules prevailed with 37 ayes, 0 nays, and 12 present and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 446. Considered.

LR 446 was adopted with 40 ayes, 0 nays, and 9 not voting.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 439 and LR 440.

UNANIMOUS CONSENT - Member Excused

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER BAACK PRESIDING

PROPOSED RULES CHANGES

Mr. Lynch renewed the Select Committee Report, found in the Journal on page 2154, for the Withem amendment to Rule 3, Sections 2 and 11, found in the Journal on page 358.

Mr. R. Johnson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mr. Withem moved for a call of the house. The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

The Withem amendment was adopted with 35 ayes, 9 nays, and 5 present and not voting.

The Chair declared the call raised.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LR 446 and LR 442.

MOTION - Override Veto on LB 718

Mr. Will moved that LB 718 become law notwithstanding the objections of the Governor.

PRESIDENT MOUL PRESIDING

Mr. Robinson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Will moved for a call of the house. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

Mr. Will requested a roll call vote on his motion to override the Governor's veto.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 30:

Baack
Bernard-Stevens
Beyer
Byars
Chizek
Conway
Dierks
Haberman
Hall
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Kristensen
Labedz
Lindsay
Moore
Morrissey
Peterson
Pirsch
Rasmussen
Robinson
Rogers
Schellpeper
Schmit
Wehrbein
Wickersham
Will
Withem

Voting in the negative, 16:

Abboud
Ashford
Beutler
Bohlke
Chambers
Coordsen
Crosby
Cudaback
Johnson, R.
Lamb
Landis
Nelson
Robak
Schimek
Warner
Wesely

Present and not voting, 3:

Elmer
Lynch
Schrock

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

The Chair declared the call raised.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Override Veto on LB 718A

Mr. Will moved that LB 718A become law notwithstanding the objections of the Governor.

Mr. Will moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Mr. Chambers requested a roll call vote on the Will motion to override the Governor's veto.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 32:

Baack
Bernard-Stevens
Beyer
Byars
Chizek
Conway
Dierks
Haberman
Hall
Hartnett
Hefner
Hillman
Horgan
Johnson, L.
Johnson, R.
Kristensen
Labedz
Lindsay
Moore
Morrissey
Nelson
Peterson
Pirsch
Rasmussen
Robinson
Rogers
Schellpeper
Schmit
Wehrbein
Wickersham
Will
Withem

Voting in the negative, 14:

Abboud
Ashford
Beutler
Bohlke
Chambers
Coordsen
Crosby
Cudaback
Lamb
Robak
Schimek
Schrock
Warner
Wesely

Present and not voting, 2:

Elmer
Lynch

Excused and not voting, 1:

Landis

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

The Chair declared the call raised.

COMMUNICATION

April 14, 1992

The Honorable Allen Beermann
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 718 and LB 718A with a certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 718 and LB 718A notwithstanding the objections of the Governor.

Sincerely,

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:r
Enc.

CERTIFICATE

Legislative Bill 718 and Legislative Bill 718A, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, have become law this fourteenth day of April, 1992.

(Signed) Maxine B. Moul
President of the Legislature

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 14, 1992, at 5:00 p.m., were the following bills: 1059, 1063A, 1098, 1099, 1099A, 1184, 1184A, 1192, 1192A, 1240, 1241, 1241A, 1257, and 1257A.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

MOTION - Advise Governor

Mrs. Labedz moved that a committee of five be appointed to advise the Governor that the Ninety-Second Legislature, Second Session, of the Nebraska State Legislature is about to complete its work, and to return with any message the Governor may have for the Legislature.

The motion prevailed.

The Chair appointed Messrs. Beyer, Chizek, Schrock, L. Johnson, and Mrs. Labedz to serve on said Committee.

The Committee returned and escorted Governor Ben Nelson to the rostrum where he delivered a message to the members.

The Committee escorted the Governor from the Chamber.

MOTION - Disposition of Bills

Mr. Lamb moved that all bills not otherwise disposed of, excluding bills on Final Reading and vetoed or line-item vetoed bills on this date, be indefinitely postponed. Further, that the Chairpersons of all Standing Committees file with the Clerk of the Legislature all standing committee records so that a proper record may be made of the final disposition of all bills.

The motion prevailed.

MOTION - Journal, Session Laws, and Indexes

Mr. Peterson moved that the Legislature approve the preparation and printing of the permanent Legislative Journal, Session Laws, and Indexes by Patrick J. O'Donnell, and that he be directed to send to each member of the Legislature a copy of the loose-leaf session laws and of the permanent Journal and Session Laws.

The motion prevailed.

VISITORS

Visitors to the Chamber were 20 fourth grade students and teacher from Red Cloud; Senator Bohlke's niece, Melissa Beumler, from Omaha; and Brenda Dohmen.

MOTION - Adjourn Sine Die

Mr. Hefner moved that the Journal for the Sixtieth Day, as prepared by the Clerk of the Legislature, be approved and that the Ninety-Second Legislature, Second Session of the Legislature, having finished all business before it, now at 7:34 p.m., adjourn sine die.

The motion prevailed.

RECEIVED AFTER ADJOURNMENT

LEGISLATIVE JOURNAL

RECEIVED AFTER ADJOURNMENT

LEGISLATIVE JOURNAL

NINETY-SECOND LEGISLATURE
SECOND SESSION

MESSAGES FROM THE GOVERNOR

April 15, 1992

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 1099 and 1099A were received in my office on April 14, 1992.

These bills were signed by me on April 15, 1992, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

April 15, 1992

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 308, 308A, 677, 677A, 706, 706A, 734, 734A, 877, 877A, 982, 982A, 1000, 428, 428A, 946, 1057, 111, 573, 366, 366A, 447, 447A, 1006, and 1006A were received in my office on April 9, 1992.

These bills were signed by me on April 15, 1992, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

April 15, 1992

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 1115, 1011, and 719Ae were received in my office on April 13, 1992.

These bills were signed by me on April 15, 1992, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

April 15, 1992

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

I am returning LB 562 with my objections.

Just three years ago, LB 305 expanded the statutorily permitted uses of the Department of Labor's Employment Security Special Contingent Fund. In passing that bill, the Legislature sought to utilize this source of funds in the most effective manner possible for increasing employment and employment training opportunities.

LB 562 for all practical purposes would entirely reverse those changes which have permitted significant appropriations for job training and related activities of the Technical Community Colleges and the Department of Economic Development. By capping the Special Contingent Fund at one million dollars and diverting any excess to the

Unemployment Compensation Fund, LB 562 leaves no money for ongoing programs at the Technical Community Colleges, without reducing the emergency balances maintained for programs at the Department of Labor. LB 562 would also eliminate funding of DED's Job Training Program, which it has used effectively to attract and retain businesses in Nebraska while upgrading the skills of employees.

With my veto, I seek to retain Legislative flexibility in the uses of the Special Contingent Fund and preserve an important fiscal asset in our arsenal of programs for improving employment opportunities in Nebraska. Especially with a challenging biennial budget fast approaching next year, this is not the time to cut our options and indirectly place more burdens on the general fund.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

April 15, 1992

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Senators:

Today I signed and delivered to the Secretary of State LB 245 and LB 245A.

LB 245 establishes the Nebraska Schools Accountability Commission. This Commission of eleven Nebraska citizens, appointed by the Governor, is charged with proposing by September 1994 through an open process, the basic knowledge and skill requirements which our children should learn in our public schools. The Commission must also develop an assessment system by May 1996 that will measure in a reliable, accurate and educationally sound way how well Nebraska students, in the aggregate, are performing. The Commission's task covers the five core curricular areas of math, science, reading, language arts and social studies. Local school boards, however, will retain responsibility for the content of their instructional programs within the broad state curriculum frameworks developed through this process.

As the result of an amendment, LB 245 also in effect re-adopts LB 511, which was passed and signed last year in order to correct a possible procedural flaw in the way that legislation was enacted. (LB 511 modified the school affiliation and merger laws for elementary-only school districts.)

In recent months, and especially over the last few days, I have received an outpouring of mail and calls questioning and strongly criticizing the bill. While this at first surprised me, I recognize that few things are as important to parents as what their children are taught, how they are taught, how they are tested, and how the results of tests are used.

The Schools Accountability Commission has an ambitious task before it. The task, however, is a critical and vital one. Our nation and our state must be economically competitive (and I would add, morally and culturally strong), in a rapidly changing world. Study after study, as well as testimonials from employers (ranging from high-tech corporations to local businesses), have shown that our high school graduates are not the high performance learners and workers that we need.

While the process established by LB 245 does not guarantee the results we all seek, it is a reasoned and timely response to our education challenge. I invite Nebraskans to follow the Commission's work closely and, more important, to become involved in school reform activities in their own communities.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

April 15, 1992

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Madam President and Senators:

Today I signed LB 754 and delivered it to the Secretary of State.

The most important provision of LB 754 extends the ethanol producer inventive an additional three years or through the year 2000. The incentive provides a 20 cent credit for each gallon of ethanol produced in the state.

New jobs and new industries are vital to Nebraska's future. However, attracting these new industries to Nebraska is difficult, especially when we must compete with many other states for development opportunities. In addition to the historical ties ethanol producers have to other states, Nebraska must also overcome inherent competitive advantages other states have such as market proximity, lower transportation costs, transportation availability, and lower commodity prices. Also, the nation's increasing demand for ethanol has been met through plant expansion in other states rather than new plant construction, which costs more. It is clear that these incentives have been successful in attracting to Nebraska the nation's only two new ethanol plants in the past six years, and have the potential to attract several new large plants to the state over the next few years.

The long-term benefits to the state from an expanded ethanol industry are enormous. If the incentives succeed in attracting new plants and new jobs to the state -- a goal I strongly support -- they will provide the state with significant long-term benefits. Nebraska has been a leader in ethanol marketing, promotion, and research since the beginning of the industry, and LB 754 can help attract the additional ethanol production which belongs in Nebraska.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

April 17, 1992

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 1192 and 1192A were received in my office on April 14, 1992.

These bills were signed by me on April 17, 1992, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

April 17, 1992

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 1098, 1257, and 1257A were received in my office on April 14, 1992.

These bills were signed by me on April 17, 1992, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

April 17, 1992

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Madam President and Senators:

I have signed LB 1241 on April 17, 1992, and delivered it to the Secretary of State. LB 1241A is being returned with my signature but with certain line item reductions.

LB 1241 provides for needed consolidation of state building leases under the Department of Administrative Services. The bill will provide many benefits to the State of Nebraska as we deal with leasing space by one agency instead of the many agencies currently proceeding on their own.

My objection to LB 1241A, however, is in the appropriation and construction costs associated with the Stone Building at the Norfolk Regional Center Campus. Although I have been assured much work needs to be done to update the building, it is poor policy to appropriate $300,000 of state funds until an orderly review is made of the project. The statutory capital construction process requires a program review for all projects costing over $100,000. This review is necessary for all capital construction projects before an appropriation is to be made.

I am, therefore, reducing the appropriation made for remodeling the Stone Building from $300,000 to $50,000. The $50,000 will allow us to proceed with an engineering evaluation and have legitimate cost estimates available to make a decision regarding renovation. If it is then feasible to remodel the building, we will follow the normal capital construction process whereby the Department of Administrative Services will make the necessary budget request next year.

This approach will allow for a full assessment of the building's needs before construction funds are allocated. This is, in my opinion, the most fiscally responsible course of action.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

April 17, 1992

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Madam President and Senators:

Engrossed Legislative Bill 835e was received in my office on April 14, 1992.

LB 835e places a cap on the assessment against health insurance companies to support the Comprehensive Health Insurance Pool (CHIP) not to exceed the premium and retaliatory tax liability of an insurer. The bill also provides a waiver for the pre-existing condition exclusion under certain circumstances.

Placing a cap on the assessment levied against insurance companies does not address the rapidly increasing costs of the pool. In 1991, policy holders paid approximately $6.3 million in premiums. The total assessment paid by insurance companies in that same year was about $3.5 million. These assessments are projected to be between $5.1 million and $6.4 million in 1992. Assessments at this level would total more than the amount of health premium taxes paid by insurers on Nebraska business. These assessments would then be offset against other premium taxes, such as those paid on life insurance. I am concerned that the pool will eventually become too costly for everyone involved, effectively defeating the purpose of the CHIP Act.

I have signed LB 835e with the hope that a more permanent solution will be found before the cap on assessments sunsets in 1995.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

April 17, 1992

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

LB 556 and LB 556A were received in my office April 14, 1992. This bill was signed by me on April 17, 1992 and delivered to the Secretary of State.

LB 556 was introduced as a method to reform campaign financing by providing public financing for campaigns and limiting contribution and spending amounts. The legislature passed the bill with the intent of reducing the cost of running for public office. I share the concerns of those who believe the bill doesn't solve the problems of curbing the high cost of running for public office. I am however, signing LB 556 with the hope that the measure will provide a beginning to campaign financing reform and provide a framework for the legislature to build on.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:jm

April 17, 1992

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 291, 291A, 319, 339, 360, 431, 542, 672, 719, 899, 965, 976, 988, 1001, 1019, 1019A, 1059, 1063A, 1184, 1184A, and 1240 were received in my office on April 14, 1992.

These bills were signed by me on April 17, 1992, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

April 17, 1992

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 415 was received in my office on April 13, 1992.

This bill was signed by me on April 17, 1992, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

MESSAGES FROM THE SECRETARY OF STATE

April 15, 1992

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

This letter is to inform you, and therefore place in the Journal, the fact that LB 718 and LB 718A, without the Governor's signature and with his objections, was filed in the office of the Secretary of State on April 15, 1992 at 8:13 A.M. A copy of the Governor's veto message dated April 14, 1992 is attached to LB 718 and LB 718A and is likewise filed in the office of the Secretary of State.

In addition, I hereby acknowledge receipt of your cover letter dated April 14, 1992 and a certificate signed by Maxine B. Moul, President of the Legislature, the contents of which are as follows:

"Legislative Bill 718 and Legislative Bill 718A, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, have become law this fourteenth day of April, 1992."

Finally, I hereby acknowledge that all of these documents have been filed in this office as a matter of public record.

Respectfully submitted,
(Signed) ALLEN J. BEERMANN
Secretary of State-Nebraska

AJB:lat
Enclosure

CERTIFICATE

STATE OF NEBRASKA

United States of America,)
) ss. Department of State
State of Nebraska)

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that LB 718 and LB 718A, without the Governor's signature and with his objections, were filed in the office of the Secretary of State on April 15, 1992.

In addition, I hereby certify that I received a cover letter dated April 14, 1992 and a certificate signed by Maxine B. Moul as President of the Legislature, the contents of which are as follows:

"Legislative Bill 718 and Legislative Bill 718A, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, have become law this fourteenth day of April, 1992."

Finally, I hereby certify that all of these documents have been filed in this office as a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this Fifteenth day of April in the year of our Lord, one thousand nine hundred and ninety-two.

(SEAL) Allen J. Beermann, Secretary of State

MESSAGE FROM THE GOVERNOR

April 20, 1992

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 958 was received in my office on April 14, 1992.

This bill became law without my signature pursuant to Article IV, Section 15 of the Constitution of the State of Nebraska, and was delivered to the Secretary of State on April 20, 1992.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

cc: Allen Beermann
Secretary of State

MESSAGE FROM THE SECRETARY OF STATE

April 20, 1992

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

This letter is to inform you and also place in the Legislative Journal the fact that Engrossed Legislative Bill 958 was filed in the Office of the Secretary of State at 9:25 AM on April 20, 1992.

Please be advised that Governor E. Benjamin Nelson did not sign Engrossed Legislative Bill 958 nor did he veto said measure. The Governor allowed Engrossed Legislative Bill 958 to become law without his signature pursuant to Article IV, Section 15 of the Constitution.

Respectfully submitted,
(Signed) Allen J. Beermann
Secretary of State-Nebraska

AJB:lat
Enclosure

CERTIFICATE

STATE OF NEBRASKA

United States of America,)
) ss. Department of State
State of Nebraska)

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that Engrossed Legislative Bill 958 was filed in the Office of the Secretary of State at 9:25 A.M. on April 20, 1992.

Further I hereby certify that Governor E. Benjamin Nelson attached to the bill and delivered to my office a letter dated April 20, 1992, the contents of which are as follows:

"Engrossed Legislative Bill 958 was received in my office on April 14, 1992. This bill became law without my signature pursuant to Article IV, Section 15 of the Constitution of the State of Nebraska, and was delivered to the Secretary of State on April 20, 1992."

Finally, I hereby certify that inasmuch as Engrossed Legislative Bill 958 was neither signed by the Governor nor vetoed by the Governor and was held for 5 days by the Governor before delivery to the Office of the Secretary of State, the bill has become law as provided in Article IV, Section 15 of the Constitution of the State of Nebraska.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this Twentieth day of April in the year of our Lord, one thousand nine hundred and ninety-two.

(SEAL) Allen J. Beermann, Secretary of State

CERTIFICATE

I, Patrick J. O'Donnell, Clerk of the Legislature, hereby certify that the foregoing communications are true and correct copies of letters provided concerning action on bills after adjournment of the Ninety-Second Legislature, Second Session, and other correspondence.

Patrick J. O'Donnell
Clerk of the Legislature

April 20, 1992
Lincoln, Nebraska

2298

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Compiled by

PATRICK J. O'DONNELL

Clerk of the Legislature

CHRONOLOGY OF BILLS

NINETY-SECOND LEGISLATURE
SECOND SESSION
1992

LEGISLATIVE BILL 17. By Withem, Baack

Jan.	8	Title	3
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 18. By Withem

Jan.	8	Title	3
Jan.	23	Indefinitely postponed	466

LEGISLATIVE BILL 21. By Coordsen

Jan.	8	Title	3
Jan.	17	Committee AM0074 p. 491, First Session, adopted. Beutler FA228 lost. Beutler pending FA20 p. 610, First Session, withdrawn. Advanced for Review	351
Jan.	22	Placed on Select File - AM5206	425
Jan.	31	AM5206 (E & R) adopted. Coordsen AM2460 and Beutler AM2676 adopted. Advanced for Engrossment	600
Feb.	6	Correctly Engrossed. ER7136 change	683
Feb.	11	Moore motion to return to Select File for FA262 withdrawn. Final Reading 32-6-11	776
Feb.	11	Speaker signed	786
Feb.	12	Presented to Governor (2/11)	791
Feb.	18	Approved by Governor (2/13)	864

LEGISLATIVE BILL 22. By Coordsen, Haberman

Jan.	8	Title	3
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 26. By Withem

Jan.	8	Title	3
Jan.	29	Indefinitely postponed	551

LEGISLATIVE BILL 27. By Bernard-Stevens

Jan.	8	Title	3
Jan.	14	Committee AM0246 p. 628, First Session, adopted. Advanced for Review	289
Jan.	17	Placed on Select File	372
Jan.	27	Bernard-Stevens AM2537 adopted. Advanced for Engrossment	507
Jan.	31	Correctly Engrossed	587
Jan.	31	ER7129 change	588
Feb.	5	Final Reading 34-0-15	669
Feb.	5	Speaker signed	674
Feb.	5	Haberman explanation of vote	676
Feb.	5	Morrissey explanation of vote	679
Feb.	5	Presented to Governor (2/5)	680
Feb.	10	Approved by Governor (2/7)	745

LEGISLATIVE BILL 28. By Bernard-Stevens

Jan.	8	Title	3
Jan.	23	Advanced for Review	458
Jan.	28	Placed on Select File	524
Jan.	29	Wickersham AM2564 printed	546
Feb.	13	Wickersham pending AM2564 p. 546 adopted. Advanced for Engrossment	837
Feb.	19	Correctly Engrossed	890
Feb.	25	Final Reading 37-0-12	979
Feb.	25	Speaker signed	983
Feb.	25	Presented to Governor (2/25)	993
Feb.	27	Approved by Governor (2/26)	1026

LEGISLATIVE BILL 34. By Hefner

Jan.	8	Title	4
Jan.	22	Indefinitely postponed	427

LEGISLATIVE BILL 38. By Kristensen

Jan.	8	Title	4
Jan.	22	Indefinitely postponed	427

LEGISLATIVE BILL 39. By Baack

Jan.	8	Title	4
Feb.	11	Indefinitely postponed	776

LEGISLATIVE BILL 41. By Baack

Jan.	8	Title	4
Apr.	14	Indefinitely postponed	2284

(Provisions/portions of LB 41 amended into LB 1001 by AM5290)

LEGISLATIVE BILL 42. By Baack

Jan.	8	Title	4
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 45. By Schellpeper

Jan.	8	Title	4
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 46. By Schellpeper, Dierks, Smith

Jan.	8	Title	4
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 49. By Schmit

Jan.	8	Title	4
Jan.	9	Schmit AM2328 printed	192
Jan.	23	Schmit pending AM2328 p. 192 adopted. Advanced for Review	458
Jan.	28	Placed on Select File	533
Feb.	3	Advanced for Engrossment	623
Feb.	7	Correctly Engrossed	717
Feb.	12	Final Reading 37-0-12	794
Feb.	12	Speaker signed	799
Feb.	12	Presented to Governor (2/12)	800
Feb.	19	Approved by Governor (2/18)	890

LEGISLATIVE BILL 52. By Haberman

Jan.	8	Title	5
Jan.	23	Indefinitely postponed	450

LEGISLATIVE BILL 54. By Withem, Lindsay

Jan. 8 Title 5
Apr. 14 Indefinitely postponed 2284

LEGISLATIVE BILL 55. By Withem, Lynch

Jan. 8 Title 5
Apr. 14 Indefinitely postponed 2284

LEGISLATIVE BILL 56. By Smith

Jan. 8 Title 5
Apr. 14 Indefinitely postponed 2284

LEGISLATIVE BILL 60. By Beyer

Jan. 8 Title 5
Apr. 14 Indefinitely postponed 2284

LEGISLATIVE BILL 64. By Beyer

Jan. 8 Title 5
Apr. 14 Indefinitely postponed 2284

LEGISLATIVE BILL 65. By Kristensen

Jan. 8 Title 5
Apr. 14 Indefinitely postponed 2284

LEGISLATIVE BILL 66. By Schmit

Jan. 8 Title 5
Apr. 14 Indefinitely postponed 2284

LEGISLATIVE BILL 68. By Chambers

Jan. 8 Title 6
Apr. 14 Indefinitely postponed 2284

LEGISLATIVE BILL 70. By Dierks

Jan. 8 Title 6
Feb. 25 Indefinitely postponed 977

LEGISLATIVE BILL 72. By Dierks

Jan.	8	Title	6
Feb.	19	Dierks priority bill	889
Mar.	19	Conway AM3570 printed	1448
Mar.	31	Conway pending AM3570 p. 1448, Beutler FA342 and Dierks FA343 lost. Failed to advance for Engrossment. Stands indefinitely postponed	1746
Apr.	1	Hall motion to reconsider vote to advance to E & R Final laid over	1811
Apr.	8	Hall motion to overrule agenda to allow consideration of pending motion p. 1811 ruled in order and withdrawn	2114

LEGISLATIVE BILL 73. By Dierks

Jan.	8	Title	6
Feb.	25	Indefinitely postponed	977

LEGISLATIVE BILL 78. By Lindsay, Labedz, Dierks, Crosby

Jan.	8	Title	6
Jan.	13	Labedz priority bill	233
Jan.	16	Labedz motion to place on General File laid over	346
Apr.	1	Placed on General File	1797
Apr.	1	Bernard-Stevens AM3904 printed	1834
Apr.	2	Hillman AM3949 to AM3904 adopted. Pending	1870
Apr.	2	Rasmussen FA359 and Lindsay-Landis FA360 to AM3904 adopted. Landis FA361 to AM3904 pending. Lindsay request for division of question withdrawn -- FA361 ruled indivisible	1876
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 80. By Warner

Jan.	8	Title	6
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 83. By Warner

Jan.	8	Title	6
Jan.	27	Schmit AM2522 printed	508
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 84. By Dierks, Lindsay, Rogers, Crosby, Schmit, Labedz

Jan.	8	Title	7
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 89. By Landis

Jan.	8	Title	7
Jan.	24	Indefinitely postponed	486

LEGISLATIVE BILL 92. By Landis

Jan.	8	Title	7
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 93. By Landis

Jan.	8	Title	7
Jan.	27	Indefinitely postponed	499

LEGISLATIVE BILL 99. By L. Johnson

Jan.	8	Title	7
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 101. By L. Johnson

Jan.	8	Title	7
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 102. By Pirsch

Jan.	8	Title	7
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 103. By Pirsch

Jan.	8	Title	8
Jan.	17	Indefinitely postponed	368

LEGISLATIVE BILL 104. By Pirsch

Jan.	8	Title	8
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 108. By Pirsch

Jan.	8	Title	8
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 110. By Pirsch

Jan.	8	Title	8
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 111. By Pirsch

Jan.	8	Title	8
Jan.	23	Advanced for Review	463
Jan.	28	Placed on Select File	533
Jan.	30	Dierks AM2566 printed	579
Feb.	3	Beutler FA253 to AM2566 adopted. Pending	623
Feb.	3	Lindsay AM2710 and Cudaback FA254 printed	635
Feb.	13	Dierks pending AM2566 p. 579 adopted as amended by Dierks AM2912 and Lindsay FA264. Lindsay pending AM2710 p. 635 adopted as amended by Lindsay FA265. Cudaback pending FA254 p. 635 and Lindsay AM2715 adopted. Advanced for Engrossment	837
Feb.	19	Bracketed on E & R Final	903
Mar.	3	Dierks-Cudaback-Lindsay AM3203 printed	1081
Mar.	26	Will AM3680 printed	1641
Mar.	31	Unbracketed on E & R Final	1776
Apr.	1	Returned to Select File for Dierks et al amendment. Dierks-Cudaback-Lindsay pending AM3203 p. 1081 adopted. Advanced for Engrossment. Returned to Select File for Will amendment. Will pending AM3680 p. 1641 adopted. Advanced for Engrossment	1808
Apr.	2	Correctly Engrossed. ER7145 change	1884
Apr.	9	Final Reading 32-2-15	2183
Apr.	9	Speaker signed	2197
Apr.	9	Presented to Governor (4/9)	2202
Apr.	20	Approved by Governor (4/15)	2286

(Provisions/portions of LB 152 amended into LB 111 by FA254)

(Provisions/portions of LB 621 amended into LB 111 by AM2912)
(Provisions/portions of LB 1219 amended into LB 111 by AM3680)

LEGISLATIVE BILL 116. By Schimek, Bernard-Stevens, Baack

Jan.	8	Title	8
Jan.	23	Indefinitely postponed	450

LEGISLATIVE BILL 119. By Smith

Jan.	8	Title	8
Jan.	27	Advanced for Engrossment	500
Jan.	31	Correctly Engrossed	586
Feb.	5	Final Reading 37-0-12	670
Feb.	5	Speaker signed	674
Feb.	5	Presented to Governor (2/5)	680
Feb.	10	Approved by Governor (2/7)	745

LEGISLATIVE BILL 120. By Will

Jan.	8	Title	8
Feb.	18	Indefinitely postponed	887

LEGISLATIVE BILL 121. By Rogers

Jan.	8	Title	9
Jan.	22	Indefinitely postponed	405

LEGISLATIVE BILL 125. By Elmer

Jan.	8	Title	9
Jan.	27	Beutler AM2528 withdrawn. Elmer pending AM0219 p. 618, First Session, adopted as amended. Failed to advance for Engrossment	496
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 126. By Elmer

Jan.	8	Title	9
Jan.	23	Elmer pending FA62 p. 1256, First Session, adopted. Advanced for Review	457
Jan.	28	Placed on Select File	513
Feb.	12	Hall AM2792 printed	827
Feb.	13	Hall pending AM2792 p. 827 withdrawn. Hall AM2926 adopted.	

		Advanced for Engrossment	848
Feb.	19	Correctly Engrossed. ER7144 change	908
Feb.	26	Lynch AM3119 printed	1012
Apr.	9	Lynch motion to return to Select File for AM3119 pending	2166
Apr.	13	Lynch pending motion p. 2166 withdrawn. Will motion to return to Select File for FA400 withdrawn	2218
Apr.	13	Failed on Final Reading 18-13-18	2219
Apr.	13	Hall motion to reconsider vote on Final Reading withdrawn	2224

LEGISLATIVE BILL 129. By Wickersham, Hillman, Baack

Jan.	8	Title	9
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 130. By Schimek, Nelson, Dierks, Peterson

Jan.	8	Title	9
Jan.	22	Schimek priority bill	431
Jan.	28	Moore AM2551 to committee AM0848 sustained division of question. Committee AM0848 p. 1210, First Session, adopted as amended by Moore FA240 and FA241. Moore AM2552 withdrawn. Schimek FA242 and Chambers FA243 lost. Pending	527
Jan.	31	Moore FA249 adopted. Schimek FA250 lost. Point of order. Pending	606
Jan.	31	Advanced for Review	614
Jan.	31	Withem AM2679 and Chambers FA251 printed	617
Feb.	6	Placed on Select File - AM5238	681
Feb.	10	Chambers AM2777 to AM5238 printed	754
Mar.	12	Hall AM2772 to AM5238 printed	1321
Mar.	17	AM5238 (E & R) adopted. Withem pending AM2679 p. 617 and Chambers pending FA251 p. 617 withdrawn. Chambers pending AM2777 p. 754 lost. Schimek AM2805 to AM5238 adopted. Hall pending AM2772 p. 1321 pending	1339
Mar.	17	Hall pending AM2772 p. 1321 lost. Advanced for Engrossment	1342
Mar.	18	Correctly Engrossed	1388
Mar.	24	Withem motion to return to Select File	

for FA326 withdrawn. Final Reading 38-1-10 1533
Mar. 24 Speaker signed 1534
Mar. 24 Presented to Governor (3/24) 1541
Mar. 25 Lindsay explanation of vote 1599
Mar. 26 Approved by Governor (3/26) 1639

LEGISLATIVE BILL 131. By Baack, Robinson

Jan. 8 Title 9
Jan. 23 Indefinitely postponed 450

LEGISLATIVE BILL 132. By Baack, Schellpeper, Nelson, Bernard-Stevens, Conway, Dierks, Wickersham, Hefner, Peterson, Hillman

Jan. 8 Title 9
Jan. 23 Indefinitely postponed 450

LEGISLATIVE BILL 134. By Smith, Ashford

Jan. 8 Title 9
Apr. 14 Indefinitely postponed 2284

LEGISLATIVE BILL 136. By Lindsay, Horgan

Jan. 8 Title 10
Feb. 19 Indefinitely postponed 896

LEGISLATIVE BILL 139. By Smith

Jan. 8 Title 10
Jan. 14 Rogers name added 304
Apr. 14 Indefinitely postponed 2284

LEGISLATIVE BILL 140. By Smith, Nelson, Crosby, Robak, Chambers

Jan. 8 Title 10
Jan. 8 Hall AM2355 printed separate 158
Apr. 14 Indefinitely postponed 2284

LEGISLATIVE BILL 142A. By R. Johnson

Jan. 8 Title 10
Mar. 26 Withem-Ashford AM3704 printed 1706

Apr.	7	Lindsay AM4164 printed	2066
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 143. By R. Johnson

Jan.	8	Title	10
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 144. By Lynch, Dierks, Schellpeper

Jan.	8	Title	10
Apr.	14	Indefinitely postponed	2284

(Provisions/portions of LB 144 amended into LB 1019 by FA394)

LEGISLATIVE BILL 145. By Wesely, Chambers, Schimek, Schellpeper, Morrissey, Bernard-Stevens

Jan.	8	Title	10
Jan.	16	Withem AM2413 to committee AM0817 printed	328
Feb.	10	Bernard-Stevens AM2819 printed	750
Feb.	11	Wesely priority bill	788
Feb.	19	Ashford AM2986 printed	897
Mar.	19	Ashford AM3005 printed	1454
Mar.	26	Committee AM0817 p. 1167, First Session, adopted. Withem pending AM2413 p. 328 withdrawn. Ashford AM3768 to AM2986 lost. Pending	1658
Mar.	26	Ashford pending AM2986 p. 897, Ashford pending AM3005 p. 1454 and Bernard-Stevens AM2819 p. 750 withdrawn. Bernard-Stevens motion to indefinitely postpone laid over	1687
Apr.	1	Bernard-Stevens pending motion p. 1689 withdrawn. Bernard-Stevens reoffered AM2819 p. 750 lost. Wickersham AM3880 adopted. Failed to advance for Review	1815
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 146. By Will, Warner, Horgan

Jan.	8	Title	11
Jan.	30	Indefinitely postponed	578

LEGISLATIVE BILL 149. By Hall, Wehrbein, Will

Jan.	8	Title	11
Feb.	3	Indefinitely postponed	619

LEGISLATIVE BILL 152. By Cudaback

Jan.	8	Title	11
Feb.	19	Indefinitely postponed	896

(Provisions/portions of LB 152 amended into LB 111 by FA254)

LEGISLATIVE BILL 158. By Robak

Jan.	8	Title	11
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 163. By Peterson

Jan.	8	Title	11
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 169. By Bernard-Stevens, Smith, Crosby

Jan.	8	Title	11
Jan.	23	Committee AM0244 p. 652, First Session, lost. Advanced for Review	463
Jan.	27	Wesely AM2483 printed	499
Jan.	28	Placed on Select File - AM5224	533
Feb.	13	AM5224 (E & R) adopted. Wesely pending AM2483 p. 499 and Bernard-Stevens AM2697 adopted. Ashford AM2928 ruled not germane and withdrawn. Challenge of Chair withdrawn. Advanced for Engrossment	843
Feb.	19	Correctly Engrossed	908
Feb.	25	Final Reading 35-4-10	980
Feb.	25	Speaker signed	983
Feb.	25	Presented to Governor (2/25)	993
Feb.	27	Approved by Governor (2/26)	1026

LEGISLATIVE BILL 169A. By Bernard-Stevens, Crosby

Jan.	8	Title	11
Jan.	23	Wesely motion to indefinitely postpone prevailed	466

LEGISLATIVE BILL 172. By Conway

Jan.	8	Title	11
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 173. By Crosby, Robak

Jan.	8	Title	12
Jan.	23	Indefinitely postponed	450

LEGISLATIVE BILL 174. By Robak, Beyer, Chizek, Coordsen, Horgan

Jan.	8	Title	12
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 175. By Elmer

Jan.	8	Title	12
Feb.	7	Committee AM0649 p. 1036, First Session, adopted. Advanced for Review	735
Feb.	12	Placed on Select File	791
Feb.	18	Advanced for Engrossment	872
Feb.	20	Correctly Engrossed	921
Mar.	3	Final Reading 40-0-9	1070
Mar.	3	President signed	1075
Mar.	3	Presented to Governor (3/3)	1078
Mar.	4	Approved by Governor (3/4)	1151

LEGISLATIVE BILL 176. By Chizek, Crosby

Jan.	8	Title	12
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 179. By Withem, Chizek

Jan.	8	Title	12
Jan.	23	Indefinitely postponed	450

LEGISLATIVE BILL 180. By Robak, Coordsen, Byars, Conway, Dierks, Hartnett

Jan.	8	Title	12
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 187. By Lindsay, Kristensen

Jan.	8	Title	12
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 189. By Chizek

Jan.	8	Title	12
Feb.	6	Bernard-Stevens AM2612 printed	691
Apr.	1	Chizek AM3849 printed	1800
Apr.	3	Chizek AM3964 printed	1914
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 191. By Chizek, Robinson, Elmer, Conway, Dierks, Peterson, Byars, Schrock, Beyer, Coordsen

Jan.	8	Title	13
Jan.	17	Committee AM0171 p. 628, First Session, adopted. Advanced for Review	364
Jan.	22	Placed on Select File - AM5205	426
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 194. By Ashford, Chizek, Abboud, Nelson, Wickersham

Jan.	8	Title	13
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 195. By Robinson, Withem

Jan.	8	Title	13
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 197. By Robak, Byars, Cudaback, R. Johnson, Pirsch

Jan.	8	Title	13
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 198. By Schmit

Jan.	8	Title	13
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 201. By Smith, R. Johnson, Will, Rogers, Hartnett, Cudaback, Rasmussen

Jan.	8	Title	13
Jan.	21	Committee AM0198 p. 661, First Session, adopted. Advanced for Review	390
Jan.	24	Placed on Select File	482
Apr.	6	Schellpeper AM4075 printed	1978
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 206. By Warner

Jan.	8	Title	13
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 208. By Withem

Jan.	8	Title	13
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 211. By Schmit

Jan.	8	Title	14
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 212. By Schmit

Jan.	8	Title	14
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 212A. By Schmit

Jan.	8	Title	14
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 214. By Haberman

Jan.	8	Title	14
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 216. By Pirsch

Jan.	8	Title	14
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 217. By Pirsch

Jan.	8	Title	14
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 222. By Bernard-Stevens, Kristensen

Jan.	8	Title	14
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 223. By Lamb, Elmer

Jan.	8	Title	15
Jan.	15	Lamb AM2408 pending. Withem FA227 to Lamb AM2408 adopted. Pending	316
Jan.	16	Lamb pending AM2408 p. 316 adopted as amended. Failed to advance for Review	337
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 226. By Nelson, Pirsch, Wesely

Jan.	8	Title	15
Jan.	24	Committee AM0276 p. 708, First Session, and Ashford FA238 lost. Nelson FA235 and Ashford FA237 withdrawn. Ashford FA236 ruled not germane. Advanced for Review	479
Jan.	29	Placed on Select File - AM5235	561
Feb.	10	Nelson AM2767 printed separate	759
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 226A. By Nelson

Jan.	8	Title	15
Jan.	24	Advanced for Review	481
Jan.	29	Placed on Select File - AM5233	562
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 228. By Kristensen, Conway, Chambers

Jan.	8	Title	15
Jan.	9	Attorney General's Opinion #92004 to Ashford	170
Jan.	13	Committee AM0737 p. 1091, First Session, lost. Lamb motion to indefinitely postpone laid over	245
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 229. By Lynch

Jan.	8	Title	15
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 231. By Chizek, Chambers

Jan.	8	Title	15
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 238. By Warner

Jan.	8	Title	15
Feb.	3	Placed on General File - Com AM2357	627
Feb.	21	Speaker's priority bill	948
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 241. By Landis, R. Johnson, Rasmussen, Cudaback, Schrock, Beutler, Labedz, Crosby, Byars, Kristensen, Robak, L. Johnson, Hillman, Nelson, Lamb, Elmer, Wehrbein, Pirsch, Bernard-Stevens, Rogers, Coordsen, Schellpeper

Jan.	8	Title	15
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 242. By Dierks

Jan.	8	Title	16
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 245. By Withem

Jan.	8	Title	16
Jan.	8	Withem AM2363 printed	160
Jan.	9	Committee AM0348 p. 732, First Session, lost. Withem pending AM2363 p. 160 adopted. Advanced for Review	181
Jan.	13	Placed on Select File - AM5178	256
Jan.	28	Withem-Bernard-Stevens AM2546 printed	536
Jan.	30	AM5178 (E & R) adopted. Wickersham AM2410 (on file), Withem-Bernard-Stevens pending AM2546 p. 536 and Withem AM2380 adopted. Advanced for Engrossment	568
Feb.	5	Correctly Engrossed	660
Feb.	5	ER7138 change	661

Mar.	19	Attorney General's Opinion #92046 to Peterson	1431
Mar.	31	Withem AM3815 printed	1746
Apr.	1	Returned to Select File for Withem amendment. Withem pending AM3815 p. 1746 adopted. Advanced for Re-Engrossment	1808
Apr.	3	Correctly Re-Engrossed. ER7164 change	1917
Apr.	9	Withem motion to return to Select File for FA399 withdrawn. Failed on Final Reading w/E 30-13-6	2185
Apr.	9	Bernard-Stevens motion to reconsider vote on Final Reading prevailed	2186
Apr.	9	Final Reading w/E 33-10-6	2187
Apr.	9	Speaker signed	2197
Apr.	9	Presented to Governor (4/9)	2202
Apr.	20	Approved by Governor (4/15)	2288

LEGISLATIVE BILL 245A. By Withem

Jan.	8	Title	16
Jan.	9	Advanced for Review	182
Jan.	13	Placed on Select File - AM5179	256
Jan.	30	AM5179 (E & R) adopted. Withem AM2550 adopted. Advanced for Engrossment	569
Feb.	5	Correctly Engrossed	660
Apr.	1	Withem AM3893 printed	1825
Apr.	2	Returned to Select File for Withem amendment. Withem pending AM3893 p. 1825 adopted. Advanced for Re-Engrossment	1854
Apr.	6	Correctly Re-Engrossed	1950
Apr.	9	Final Reading w/E 34-8-7	2187
Apr.	9	Speaker signed	2197
Apr.	9	Presented to Governor (4/9)	2202
Apr.	20	Approved by Governor (4/15)	2288

LEGISLATIVE BILL 248. By Ashford, Chambers

Jan.	8	Title	16
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 248A. By Ashford

Jan.	8	Title	16
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 249. By Ashford, Abboud

Jan.	8	Title	16
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 252. By Moore, Robak, Peterson, Morrissey, L. Johnson, Smith, Conway, Elmer, Schellpeper, Coordsen

Jan.	8	Title	16
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 258. By Elmer

Jan.	8	Title	17
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 262. By Kristensen

Jan.	8	Title	17
Jan.	14	Kristensen AM2399 adopted. Abboud pending FA206 p. 2779, First Session, withdrawn. Advanced for Review	297
Jan.	22	Placed on Select File - AM5200 (printed separate)	402
Jan.	27	AM5200 (E & R) adopted. Advanced for Engrossment	507
Jan.	31	Correctly Engrossed	608
Feb.	5	Final Reading w/E 38-0-11	671
Feb.	5	Speaker signed	674
Feb.	5	Morrissey explanation of vote	679
Feb.	5	Presented to Governor (2/5)	680
Feb.	10	Approved by Governor (2/7)	745

LEGISLATIVE BILL 263. By Robak

Jan.	8	Title	17
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 267. By Haberman

Jan.	8	Title	17
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 268. By Haberman

Jan. 8 Title 17
Apr. 14 Indefinitely postponed 2284

LEGISLATIVE BILL 269. By Haberman

Jan. 8 Title 17
Jan. 13 Haberman AM2379 to committee AM0360 printed 279
Jan. 14 Committee AM0360 p. 762, First Session, adopted. Haberman pending AM2379 p. 279 adopted. Advanced for Review 290
Jan. 17 Placed on Select File - AM5197 372
Jan. 27 AM5197 (E & R) adopted. Advanced for Engrossment 507
Jan. 31 Correctly Engrossed 586
Feb. 12 Final Reading 33-0-16 793
Feb. 12 Speaker signed 799
Feb. 12 Presented to Governor (2/12) 800
Feb. 19 Approved by Governor (2/18) 889

LEGISLATIVE BILL 270. By Elmer

Jan. 8 Title 17
Jan. 24 Committee AM0472 p. 854, First Session, adopted. Passed over 476
Apr. 14 Indefinitely postponed 2284

LEGISLATIVE BILL 270A. By Elmer

Jan. 8 Title 17
Apr. 14 Indefinitely postponed 2284

LEGISLATIVE BILL 271. By Coordsen

Jan. 8 Title 18
Apr. 14 Indefinitely postponed 2284

LEGISLATIVE BILL 272. By Coordsen

Jan. 8 Title 18
Feb. 7 Committee AM0703 p. 1152, First Session, adopted. Advanced for Review 736
Feb. 13 Placed on Select File - AM5254 832
Mar. 3 Coordsen AM3178 printed 1068
Apr. 14 Indefinitely postponed 2284

LEGISLATIVE BILL 273. By Peterson

Jan.	8	Title	18
Feb.	18	Indefinitely postponed	887

LEGISLATIVE BILL 274. By Wehrbein

Jan.	8	Title	18
Jan.	23	Committee AM0282 p. 732, First Session, adopted. Wehrbein-Rogers pending AM0556 p. 925, First Session, adopted. Advanced for Review	463
Jan.	28	Placed on Select File - AM5225	535
Feb.	13	AM5225 (E & R) adopted. Advanced for Engrossment	846
Feb.	19	Correctly Engrossed	908
Feb.	25	Final Reading 39-0-10	981
Feb.	25	Speaker signed	983
Feb.	25	Presented to Governor (2/25)	993
Feb.	27	Approved by Governor (2/26)	1026

LEGISLATIVE BILL 275. By Wehrbein, Rogers

Jan.	8	Title	18
Jan.	8	Wehrbein AM2323 to committee AM0254 printed	159
Jan.	21	Committee AM0254 p. 692, First Session, adopted as amended by Wehrbein pending AM2323 p. 159. Advanced for Review	391
Jan.	28	Placed on Select File - AM5218	511
Feb.	11	Wehrbein AM2548 printed	786
Feb.	13	AM5218 (E & R) adopted. Wehrbein pending AM2548 p. 786 adopted. Advanced for Engrossment	836
Feb.	19	Correctly Engrossed	890
Feb.	25	Final Reading 41-0-8	981
Feb.	25	Speaker signed	983
Feb.	25	Presented to Governor (2/25)	993
Feb.	27	Approved by Governor (2/26)	1026

LEGISLATIVE BILL 275A. By Wehrbein

Jan.	8	Title	18
Jan.	21	Advanced for Review	391

Jan. 28 Placed on Select File - AM5219 ... 512
Feb. 13 AM5219 (E & R) adopted.
Advanced for Engrossment ... 837
Feb. 19 Correctly Engrossed. ER7146 change ... 890
Feb. 25 Final Reading 41-0-8 ... 982
Feb. 25 Speaker signed ... 983
Feb. 25 Presented to Governor (2/25) ... 993
Feb. 27 Approved by Governor (2/26) ... 1026

LEGISLATIVE BILL 279. By Lynch, Withem, Conway

Jan. 8 Title ... 18
Apr. 14 Indefinitely postponed ... 2284

LEGISLATIVE BILL 279A. By Lynch

Jan. 8 Title ... 19
Apr. 14 Indefinitely postponed ... 2284

LEGISLATIVE BILL 281. By Lynch

Jan. 8 Title ... 19
Apr. 14 Indefinitely postponed ... 2284

LEGISLATIVE BILL 282. By Dierks, Nelson, Crosby

Jan. 8 Title ... 19
Apr. 14 Indefinitely postponed ... 2284

LEGISLATIVE BILL 283. By Dierks, Schellpeper, Lindsay, Horgan, Byars

Jan. 8 Title ... 19
Apr. 14 Indefinitely postponed ... 2284

LEGISLATIVE BILL 285. By Landis

Jan. 8 Title ... 19
Apr. 14 Indefinitely postponed ... 2284

LEGISLATIVE BILL 287. By Lindsay, Byars, Rasmussen, Lynch, Rogers, Smith

Jan. 8 Title ... 19
Apr. 14 Indefinitely postponed ... 2284

LEGISLATIVE BILL 287A. By Lindsay

Jan.	8	Title	19
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 288. By Lindsay

Jan.	8	Title	19
Feb.	3	Placed on General File - Com AM2683	638
Feb.	21	Speaker's priority bill	948
Apr.	14	Indefinitely postponed	2284

(Provisions/portions of LB 288 amended into LB 1019 by FA394)

LEGISLATIVE BILL 289. By Crosby, Byars, Chambers, Rasmussen

Jan.	8	Title	20
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 291. By Beyer, Rogers, Crosby, Hefner, L. Johnson, Lamb, Byars, Warner, Pirsch, Wehrbein, Peterson, Schellpeper

Jan.	8	Title	20
Jan.	27	Placed on General File - Com AM2314 (printed separate)	499
Jan.	31	Hall FA252 to committee AM2314 printed	614
Jan.	31	Hall AM2663 and AM2667 to committee AM2314 printed	615
Jan.	31	Hall AM2671, AM2672, AM2673 and AM2665 to committee AM2314 printed	616
Jan.	31	Will AM2668 and Lindsay AM2669 to committee AM2314 printed	617
Feb.	4	Committee AM2314 pending. Hall request to substitute amendment prevailed. Hall pending FA252 p. 614 withdrawn. Hall substitute AM2727 lost. Hall pending AM2663 p. 615 to AM2314 pending	653
Feb.	4	Chambers FA255 to committee AM2314 printed	659
Feb.	5	Hall pending AM2663 p. 615 withdrawn. Will request to substitute amendment prevailed. Hall pending AM2667 p. 615 withdrawn. Beutler substitute FA256	

		adopted. Pending	675
Feb.	5	Hall reoffered AM2663 p. 615 lost. Pending	678
Feb.	6	Hall pending AM2671 p. 616 withdrawn. Hall pending AM2673 p. 616 pending	715
Feb.	7	Bernard-Stevens AM2786 to committee AM2314 printed	733
Feb.	10	Baack AM2833 to committee AM2314 printed	759
Feb.	11	Will request to substitute amendment prevailed. Hall pending AM2673 p. 616 and Baack pending AM2833 p. 759 withdrawn. Baack substitute AM2859 to committee AM2314 adopted. Lindsay pending AM2669 p. 617, Will pending AM2668 p. 617 and Hall pending AM2672 and AM2665 p. 616 withdrawn. Bernard-Stevens pending AM2786 p. 733 lost. Committee AM2314 adopted as amended. Advanced for Review	778
Feb.	13	Abboud name added	852
Feb.	18	Placed on Select File - AM5258 (printed separate)	885
Mar.	31	Kristensen AM3829 to AM5258 printed	1743
Apr.	3	Kristensen AM3901 and AM3915 printed separate	1905
Apr.	7	AM5258 (E & R) adopted. Chambers pending FA255 p. 659 and Kristensen pending AM3829 p. 1743 withdrawn. Hall FA381 lost. Kristensen pending AM3901 p. 1905 adopted as amended by Bernard-Stevens FA382. Kristensen pending AM3915 p. 1905 pending	2045
Apr.	7	Lindsay FA383 lost. Kristensen pending AM3915 p. 1905 adopted. Advanced for Engrossment	2059
Apr.	7	Kristensen name added	2062
Apr.	8	Hefner explanation of vote	2080
Apr.	9	Correctly Engrossed. ER7170 change	2134
Apr.	14	Baack motion to suspend rules prevailed. Final Reading 28-9-12	2239
Apr.	14	President signed	2259
Apr.	14	Presented to Governor (4/14)	2261
Apr.	20	Approved by Governor (4/17)	2293

LEGISLATIVE BILL 291A. By Beyer

Feb.	24	Read first time. Placed on General File	966
Mar.	11	Advanced for Review	1281

Mar.	17	Placed on Select File	1335
Apr.	7	Advanced for Engrossment	2062
Apr.	9	Correctly Engrossed	2134
Apr.	14	Baack motion to suspend rules prevailed	2239
Apr.	14	Final Reading 32-7-10	2240
Apr.	14	President signed	2259
Apr.	14	Presented to Governor (4/14)	2261
Apr.	20	Approved by Governor (4/17)	2293

LEGISLATIVE BILL 293. By Schimek, Beutler, Hall

Jan.	8	Title	20
Jan.	23	Indefinitely postponed	451

LEGISLATIVE BILL 295. By Hefner, Chizek

Jan.	8	Title	20
Jan.	17	Indefinitely postponed	368

LEGISLATIVE BILL 298. By Hall, Chambers

Jan.	8	Title	20
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 299. By Hall

Jan.	8	Title	20
Feb.	18	Indefinitely postponed	887

LEGISLATIVE BILL 301. By Hall

Jan.	8	Title	21
Jan.	14	Hall AM2381 to committee AM1575 printed	304
Jan.	16	Committee AM1575 p. 1970, First Session, adopted. Advanced for Review	339
Jan.	22	Placed on Select File - AM5208	425
Jan.	31	Lynch name added	618
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 302. By Hall, Lindsay, Ashford, Pirsch, Conway, Abboud

Jan.	8	Title	21
Apr.	4	Indefinitely postponed	2284

LEGISLATIVE BILL 306. By Beutler, Lindsay

Jan.	8	Title	21
Jan.	27	Beutler priority bill	492
Feb.	7	Beutler AM2820 printed	736
Feb.	11	Beutler AM2874 printed	787
Feb.	12	Committee AM0895 p. 1289, First Session, lost. Beutler pending AM2820 p. 736 withdrawn. Beutler pending AM2874 p. 787 pending	798
Feb.	12	Beutler pending AM2874 p. 787 adopted. Pending	799
Feb.	12	Moore FA263 lost. Advanced for Review	806
Feb.	18	Placed on Select File - AM5263	885
Feb.	27	Beutler AM3157 printed	1033
Mar.	10	Lamb AM3286 printed	1258
Mar.	17	AM5263 (E & R) adopted. Beutler request to substitute amendment prevailed. Beutler pending AM3157 p. 1033 withdrawn. Beutler-Wickersham substitute AM3527 pending. Lamb FA308 and FA309 to AM3527 adopted	1343
Mar.	17	R. Johnson motion to bracket until 1/1/93 lost. R. Johnson FA310 to AM3527 lost. Pending	1358
Mar.	17	Beutler-Wickersham pending AM3527 p. 1343 adopted as amended. Lamb pending AM3286 p. 1258 withdrawn. R. Johnson AM3507 ruled not germane. Failed to advance for Engrossment	1364
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 306A. By Beutler

Feb.	27	Read first time. Placed on General File	1047
Mar.	11	Failed to advance for Review	1281
Apr.	1	Advanced for Review	1800
Apr.	2	Placed on Select File	1862
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 307. By Will

Jan.	8	Title	21
Jan.	23	Will AM2464 printed	468
Jan.	31	Speaker Baack priority bill	588
Feb.	10	Will pending AM2464 p. 468 adopted.	

		Advanced for Review	749
Feb.	18	Placed on Select File - AM5259	854
Mar.	11	Bernard-Stevens-Withem-Rasmussen-Crosby AM3431 printed	1290
Mar.	24	Schimek AM3622 printed	1542
Apr.	14	Indefinitely postponed	2284

(Provisions/portion of LB 307 amended into LB 746 by AM3273)

LEGISLATIVE BILL 308. By Lynch, Rasmussen, Crosby

Jan.	8	Title	21
Jan.	30	Speaker Baack priority bill	568
Feb.	10	Committee AM0602 p. 1315, First Session, adopted. Advanced for Review	749
Feb.	10	Horgan name added	758
Feb.	12	Warner AM2883 printed	825
Feb.	13	Placed on Select File	833
Mar.	4	Warner AM2955 printed	1116
Mar.	5	Warner pending AM2883 p. 825 withdrawn. Warner pending AM2955 p. 1116 adopted. Advanced for Engrossment	1154
Mar.	9	Correctly Engrossed. ER7154 change	1209
Apr.	9	Final Reading 41-0-8	2168
Apr.	9	Speaker signed	2180
Apr.	9	Presented to Governor (4/9)	2190
Apr.	20	Approved by Governor (4/15)	2286

LEGISLATIVE BILL 308A. By Lynch

Feb.	3	Read first time. Placed on General File	625
Feb.	10	Advanced for Review	749
Feb.	13	Placed on Select File	833
Mar.	5	Advanced for Engrossment	1154
Mar.	9	Correctly Engrossed	1209
Apr.	9	Final Reading 39-0-10	2169
Apr.	9	Speaker signed	2180
Apr.	9	Presented to Governor (4/9)	2190
Apr.	20	Approved by Governor (4/15)	2286

LEGISLATIVE BILL 310. By Schimek

Jan.	8	Title	21
Feb.	19	Placed on General File	896
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 312. By Schmit

Jan.	8	Title	22
Jan.	13	Committee AM0791 p. 1190, First Session, adopted as amended by Rogers pending AM1097 p. 1876, First Session. Advanced for Review	246
Jan.	16	Placed on Select File - AM5192	344
Jan.	27	AM5192 (E & R) adopted. Beutler AM2414 withdrawn. Advanced for Engrossment	506
Jan.	31	Correctly Engrossed	586
Feb.	5	Returned to Select File for Beutler amendment. Beutler AM2414 adopted. Advanced for Re-Engrossment	672
Feb.	7	Correctly Re-Engrossed	717
Feb.	7	ER7140 change	718
Feb.	12	Final Reading 37-0-12	794
Feb.	12	Speaker signed	799
Feb.	12	Presented to Governor (2/12)	800
Feb.	19	Approved by Governor (2/18)	890

LEGISLATIVE BILL 314. By Hartnett, Will

Jan.	8	Title	22
Jan.	21	Beyer AM0583 adopted. Advanced for Review	391
Jan.	24	Placed on Select File - AM5214	482
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 315. By Hartnett

Jan.	8	Title	22
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 319. By Smith

Jan.	8	Title	22
Jan.	9	Kristensen name added	194
Jan.	24	Committee AM0480 p. 855, First Session, adopted. Advanced for Review	477
Jan.	29	Placed on Select File - AM5232	557
Feb.	13	AM5232 (E & R) adopted. Advanced for Engrossment	848
Feb.	19	Correctly Engrossed	908

Apr.	6	Kristensen AM3715 printed	1959
Apr.	9	Returned to Select File for Kristensen amendment. Kristensen pending AM3715 p. 1959 adopted. Advanced for Re-Engrossment	2166
Apr.	9	Correctly Re-Engrossed. ER7180 change	2198
Apr.	14	Baack motion to suspend rules prevailed	2239
Apr.	14	Final Reading 42-0-7	2241
Apr.	14	President signed	2259
Apr.	14	Presented to Governor (4/14)	2261
Apr.	20	Approved by Governor (4/17)	2293

(Provisions/portions of LB 1065 amended into LB 319 by AM3715)

LEGISLATIVE BILL 321. By Lynch, Hartnett, Hall

Jan.	8	Title	22
Feb.	3	Placed on General File - Com AM2575	629
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 322. By Hall

Jan.	8	Title	22
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 323. By Hall

Jan.	8	Title	22
Feb.	3	Indefinitely postponed	619

LEGISLATIVE BILL 326. By Schimek, Smith, Nelson, Kristensen, Hall

Jan.	8	Title	22
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 327. By Chambers, Baack, Warner, Rasmussen, Horgan, Landis, Smith, Hall, Lindsay, Lynch, Dierks, Schellpeper, Withem, Will, Ashford, Nelson, Wesely, Schimek, Crosby, Rogers, Schmit, Robak, Bernard-Stevens, Conway

Jan.	8	Title	23
Jan.	13	Will and Ashford names withdrawn	254
Jan.	13	Robak and Nelson names withdrawn	281
Jan.	14	Chambers AM2110 pending	290
Jan.	14	Chambers pending AM2110 p. 290 withdrawn. Wesely pending AM2196 p. 2692, First	

		Session, withdrawn. Lindsay motion to indefinitely postpone laid over	297
Feb.	5	Chambers request to pass over. Hefner objected. Chambers motion to pass over withdrawn. Passed over	674
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 328. By Schellpeper

Jan.	8	Title	23
Jan.	9	Lindsay name added	194
Apr.	14	Indefinitely postponed	2284

(Provisions/portions of LB 328 amended into LB 360 by AM4197)

LEGISLATIVE BILL 329. By Chambers

Jan.	8	Title	23
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 332. By Hall, Schellpeper, Labedz, Robak, Schmit, Rogers, Dierks, Bernard-Stevens, Will, Lindsay, Lynch

Jan.	8	Title	23
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 336. By Transportation Committee and Cudaback

Jan.	8	Title	23
Jan.	21	Bernard-Stevens pending motion p. 913, First Session, to indefinitely postpone lost. Pending	382
Jan.	21	Nelson FA230, Moore pending AM0542 p. 915, and Robak pending AM1494 p. 1844, First Session, lost. Moore pending AM0559 p. 916 First Session, withdrawn. Beutler FA231 lost. Beutler request of germaneness withdrawn. Advanced for Review	384
Jan.	21	Moore AM0555 printed	389
Jan.	24	Placed on Select File - AM5212 (printed separate)	482
Jan.	29	Kristensen AM2471 printed	550
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 336A. By Kristensen

Jan.	8	Title	24
Jan.	21	Kristensen AM2431 adopted. Advanced for Review	387
Jan.	24	Placed on Select File - AM5213	482
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 338. By Natural Resources Committee

Jan.	8	Title	24
Jan.	13	Committee AM0096 p. 1293, First Session, adopted. Beutler FA222 adopted. Advanced for Review	259
Jan.	16	Placed on Select File - AM5193	345
Mar.	20	R. Johnson AM2821 printed	1501
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 338A. By R. Johnson

Jan.	16	Read first time. Placed on General File	327
Feb.	13	Advanced for Review	836
Feb.	18	Placed on Select File	887
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 339. By Natural Resources Committee

Jan.	8	Title	24
Jan.	24	Committee AM0382 p. 854, First Session, adopted. Advanced for Review	477
Jan.	29	Placed on Select File - AM5228	542
Feb.	13	AM5228 (E & R) adopted. Advanced for Engrossment	848
Feb.	19	Bracketed on E & R Final	903
Feb.	25	Lamb AM3095 printed	994
Mar.	17	Moore AM3484 to AM3095 printed	1338
Mar.	18	Moore-Chizek AM3180 printed	1387
Mar.	20	Labedz AM3467 printed	1468
Mar.	25	Schimek AM3710 printed	1610
Apr.	6	Unbracketed on E & R Final	1961
Apr.	7	Beutler AM4072 printed	1997
Apr.	9	Correctly Engrossed	2188
Apr.	14	Baack motion to suspend rules prevailed	2239
Apr.	14	Final Reading 40-0-9	2242
Apr.	14	President signed	2259
Apr.	14	Presented to Governor (4/14)	2261
Apr.	20	Approved by Governor (4/17)	2293

LEGISLATIVE BILL 342. By Natural Resources Committee

Jan.	8	Title	24
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 345. By Smith

Jan.	8	Title	24
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 346. By Hall, Conway, Haberman, Lindsay, Schmit

Jan.	8	Title	25
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 346A. By Hall

Jan.	8	Title	25
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 347. By R. Johnson

Jan.	8	Title	25
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 349. By R. Johnson

Jan.	8	Title	25
Jan.	27	Placed on General File - Com AM2456 (printed separate)	491
Jan.	31	Agriculture Committee priority bill	608
Feb.	3	Committee AM2456 p. 491 pending	624
Feb.	3	Beutler AM2709 to committee AM2456 pending	634
Feb.	10	Beutler request to substitute amendment prevailed. Beutler AM2709 p. 634 withdrawn. Rogers substitute AM2834 to committee AM2456 adopted. Elmer FA261 lost. Pending	756
Feb.	10	Schmit AM2844 and AM2845 to committee AM2456 printed	758
Feb.	13	Beutler AM2848 to committee AM2456 printed	852
Mar.	11	Attorney General's Opinion #92038 to Elmer	1294
Mar.	20	Schmit AM2709 to committee AM2456 printed	1466

Mar.	23	Schmit AM3619 to committee AM2456 printed	1515
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 349A. By R. Johnson

Feb.	4	Read first time. Placed on General File	658
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 351. By Moore

Jan.	8	Title	25
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 352. By Moore

Jan.	8	Title	25
Feb.	12	Indefinitely postponed	791

LEGISLATIVE BILL 353. By Beyer

Jan.	8	Title	26
Feb.	12	Beyer priority bill	828
Feb.	18	Beyer AM2962 printed	877
Feb.	21	Lynch AM3054 printed	943
Mar.	26	Committee AM0501 p. 1448, First Session, adopted. Beyer pending AM2962 p. 877 pending. Chambers motion to bracket until 4/16/92 prevailed	1639
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 353A. By Beyer

Feb.	24	Read first time. Placed on General File	966
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 360. By Business and Labor Committee

Jan.	8	Title	26
Jan.	14	Notice of hearing (1/27) (Rehearing)	303
Jan.	23	Coordsen priority bill	451
Feb.	11	Placed on General File - Com AM2840	770
Feb.	13	Coordsen AM2927 to committee AM2840 printed	851
Mar.	6	Committee AM2840 adopted as amended by Coordsen pending AM2927 p. 851.	

	Advanced for Review	1191
Mar. 9	Will AM3340 printed	1248
Mar. 12	Coordsen AM3382 printed separate	1313
Mar. 12	Placed on Select File - AM5269 (printed separate)	1319
Mar. 18	Lindsay AM3522 to AM5269 printed	1414
Mar. 19	Will AM3487 to AM5269 printed	1429
Mar. 25	AM5269 (E & R) adopted. Will pending AM3340 p. 1248 withdrawn. Coordsen pending AM3382 p. 1313 adopted. Lindsay request to substitute amendment prevailed. Lindsay pending AM3522 p. 1414 withdrawn. Lindsay substitute AM3582 lost. Will request to substitute amendment prevailed. Will pending AM3487 p. 1429 withdrawn. Will substitute AM3693 lost. Pending	1584
Mar. 25	Lindsay AM3545 to AM5269 printed	1599
Mar. 25	Beutler AM3634 to AM3382 printed	1605
Mar. 26	Lindsay AM3738, AM3736, and AM3739 to AM3382 printed	1641
Mar. 26	Will AM3735 and AM3734 to AM3382 printed	1663
Mar. 26	Will AM3737 to AM3382 printed	1664
Mar. 26	Coordsen AM3670 and AM3671 printed separate	1718
Apr. 8	Coordsen pending AM3671 and AM3670 p. 1718, Lindsay pending AM3545 p. 1599, Lindsay pending AM3738, AM3736, and AM3739 p. 1641, Beutler pending AM3634 p. 1605, and Will pending AM3735, AM3734, and AM3737 p. 1663-4 withdrawn. Lindsay-Coordsen AM4197, Beutler AM3782, and Kristensen AM3830 (on file) adopted. Advanced for Engrossment	2127
Apr. 9	Correctly Engrossed. ER7173 change	2188]
Apr. 14	Baack motion to suspend rules prevailed	2239
Apr. 14	Final Reading 45-0-4	2242
Apr. 14	President signed	2259
Apr. 14	Presented to Governor (4/14)	2261
Apr. 20	Approved by Governor (4/17)	2293

(Provisions/portions of LB 328 amended into LB 360 by AM4197)
(Provisions/portions of LB 1195 amended into LB 360 by AM3830)

LEGISLATIVE BILL 360A. By Coordsen

Feb. 24 Read first time. Placed on General File 966
Mar. 6 Advanced for Review 1192
Mar. 12 Placed on Select File 1319
Apr. 8 Hefner motion to indefinitely postpone
laid over 2129
Apr. 14 Indefinitely postponed 2284

LEGISLATIVE BILL 365. By Rogers

Jan. 8 Title 26
Apr. 14 Indefinitely postponed 2284

LEGISLATIVE BILL 366. By Rogers

Jan. 8 Title 26
Jan. 23 Committee AM0058 p. 737, First Session,
adopted. Advanced for Review 464
Jan. 28 Placed on Select File - AM5226 535
Feb. 13 AM5226 (E & R) adopted.
Advanced for Engrossment 846
Feb. 19 Correctly Engrossed 908
Mar. 31 Rogers AM3837 (on file) printed 1757
Mar. 31 Rogers AM3838 and AM3836 (on file) printed 1758
Apr. 1 Returned to Select File for Rogers
amendments. Rogers pending AM3837
p. 1757, AM3838 and AM3836 p. 1758
adopted. Advanced for Re-Engrossment 1809
Apr. 6 Correctly Re-Engrossed. ER7165 change 1965
Apr. 9 Final Reading w/E 38-0-11 2190
Apr. 9 Speaker signed 2197
Apr. 9 Presented to Governor (4/9) 2202
Apr. 20 Approved by Governor (4/15) 2286
(Provisions/portions of LB 959 amended into LB 366 by AM3837)
(Provisions/portions of LB 960 amended into LB 366 by AM3836)
(Provisions/portions of LB 961 amended into LB 366 by AM3838)

LEGISLATIVE BILL 366A. By Rogers

Jan. 8 Title 26
Jan. 23 Advanced for Review 464
Jan. 28 Placed on Select File - AM5227 536
Feb. 13 AM5227 (E & R) adopted.
Advanced for Engrossment 846
Feb. 19 Correctly Engrossed 908
Apr. 9 Final Reading 39-0-10 2192

Apr.	9	Speaker signed	2197
Apr.	9	Presented to Governor (4/9)	2202
Apr.	20	Approved by Governor (4/15)	2286

LEGISLATIVE BILL 369. By R. Johnson

Jan.	8	Title	26
Jan.	23	Placed on General File	463
Feb.	7	Advanced for Review	728
Feb.	11	Placed on Select File - AM5240	762
Feb.	20	Urban Affairs Committee priority bill	916
Mar.	31	AM5240 (E & R) adopted. Hartnett-R. Johnson-Schimek-Bohlke AM3792 (on file) sustained division of question. Hartnett et al FA337 lost. Pending	1731
Mar.	31	Hartnett et al FA338 and Lynch FA339 to FA338 pending. Bracketed until 4/16/92	1734
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 370. By Chizek

Jan.	8	Title	26
Feb.	11	Indefinitely postponed	776

LEGISLATIVE BILL 371. By Kristensen

Jan.	8	Title	26
Feb.	7	Schellpeper name added	736
Feb.	20	Will priority bill	928
Feb.	20	Will name added	929
Apr.	2	Kristensen FA362 printed	1883
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 373. By Crosby

Jan.	8	Title	27
Jan.	31	Indefinitely postponed	605

LEGISLATIVE BILL 375. By Lindsay, Nelson, Chizek

Jan.	8	Title	27
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 377. By Coordsen

Jan.	8	Title	27
Jan.	13	Attorney General's Opinion #92006 to Moore	238
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 378. By Chambers

Jan.	8	Title	27
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 379. By Morrissey

Jan.	8	Title	27
Jan.	23	Indefinitely postponed	451

LEGISLATIVE BILL 380. By Morrissey

Jan.	8	Title	27
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 383. By Morrissey

Jan.	8	Title	27
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 384. By Conway, Baack, Schmit, Hefner, Hall

Jan.	8	Title	28
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 386. By Health and Human Services Committee

Jan.	8	Title	28
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 387. By Health and Human Services Committee

Jan.	8	Title	28
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 387A. By Wesely

Jan. 8 Title 28
Apr. 14 Indefinitely postponed 2284

LEGISLATIVE BILL 388. By Health and Human Services Committee

Jan. 8 Title 28
Apr. 14 Indefinitely postponed 2284
(Provisions/portions of LB 388 amended into LB 1019 by FA394)

LEGISLATIVE BILL 389. By Byars, Conway, Schmit

Jan. 8 Title 28
Jan. 23 Indefinitely postponed 451

LEGISLATIVE BILL 391. By Byars, L. Johnson

Jan. 8 Title 29
Feb. 4 Placed on General File - Com AM0650 656
Apr. 14 Indefinitely postponed 2284

LEGISLATIVE BILL 392. By Byars

Jan. 8 Title 29
Apr. 14 Indefinitely postponed 2284

LEGISLATIVE BILL 394. By Rogers, Wesely

Jan. 8 Title 29
Apr. 14 Indefinitely postponed 2284

LEGISLATIVE BILL 395. By Chambers

Jan. 8 Title 29
Apr. 14 Indefinitely postponed 2284

LEGISLATIVE BILL 396. By Ashford, Crosby, Robak

Jan. 8 Title 29
Jan. 17 Indefinitely postponed 368

LEGISLATIVE BILL 397. By Beyer

Jan. 8 Title 29
Apr. 14 Indefinitely postponed 2284

LEGISLATIVE BILL 398. By Schellpeper, Kristensen

Jan.	8	Title	29
Jan.	8	Schellpeper AM0551 to committee AM0283 reprinted	158
Jan.	9	Schellpeper pending AM0551 p. 917, First Session, and p. 158 withdrawn. Committee AM0283 p. 720, First Session, adopted as amended by Schellpeper AM2365. Lynch pending AM1496 p. 2515, First Session, withdrawn. Wehrbein pending AM0713 p. 1074, First Session, adopted. Advanced for Review	180
Jan.	13	Placed on Select File - AM5182	255
Jan.	29	AM5182 (E & R) adopted. Schellpeper AM2561 adopted. Advanced for Engrossment	546
Feb.	4	Correctly Engrossed	641
Feb.	4	ER7130 change	642
Feb.	7	Final Reading 35-0-14	722
Feb.	7	President signed	728
Feb.	7	Presented to Governor (2/7)	733
Feb.	12	Approved by Governor (2/11)	791

LEGISLATIVE BILL 401. By Crosby, Rasmussen, Dierks, Landis, Hall, Will, Robak, Schellpeper, Byars, Conway

Jan.	8	Title	29
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 405. By Conway, Bernard-Stevens, Byars, Hall

Jan.	8	Title	30
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 406. By Lamb, Smith, R. Johnson, Morrissey, Schellpeper, Coordsen, Hartnett

Jan.	8	Title	30
Jan.	9	R. Johnson AM2326 printed separate	177
Jan.	13	Committee AM0792 p. 1295, First Session, adopted as amended by R. Johnson pending AM2326 p. 177. Schmit FA223 lost. Advanced for Review	259
Jan.	17	Placed on Select File - AM5194	365
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 406A. By Lamb

Jan.	8	Title	30
Jan.	13	Advanced for Review	260
Jan.	17	Placed on Select File - AM5195	365
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 407. By Will

Jan.	8	Title	30
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 411. By Hefner

Jan.	8	Title	30
Jan.	16	Hefner AM2370 to committee AM0272 printed	343
Jan.	17	Committee AM0272 p. 655, First Session, adopted as amended by Hefner pending AM2370 p. 343. Byars motion to indefinitely postpone laid over	371
Jan.	24	Byars pending motion p. 372 withdrawn. Failed to advance for Review	477
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 412. By Wesely

Jan.	8	Title	30
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 414. By Wesely

Jan.	8	Title	30
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 415. By Peterson

Jan.	8	Title	31
Jan.	23	Committee AM0279 p. 790, First Session, adopted. Advanced for Review	464
Jan.	29	Placed on Select File - AM5229	541
Feb.	13	AM5229 (E & R) adopted. Will AM2906 adopted. Advanced for Engrossment	846
Feb.	13	Will name added	853
Feb.	19	Correctly Engrossed	908

Feb.	26	Crosby AM3128 printed	1002
Mar.	4	Haberman AM3212 printed	1101
Apr.	13	Crosby motion to return to Select File for AM3128 p. 1002 lost. Haberman pending AM3212 p. 1101 withdrawn. Withem motion to return to Select File for FA401 withdrawn. Final Reading 28-17-4	2221
Apr.	13	President signed	2231
Apr.	14	Presented to Governor (4/13)	2238
Apr.	20	Approved by Governor (4/17)	2293

(Provisions/portions of LB 1105 amended into LB 415 by AM2906)

LEGISLATIVE BILL 416. By Wesely

Jan.	8	Title	31
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 417. By Wesely, Byars, Lynch

Jan.	8	Title	31
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 418. By Schimek, Smith

Jan.	8	Title	31
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 421. By Wesely, Dierks, Byars

Jan.	8	Title	31
Feb.	11	Indefinitely postponed	785

LEGISLATIVE BILL 423. By Wesely, Nelson

Jan.	8	Title	31
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 424. By Wesely, Conway

Jan.	8	Title	31
Jan.	9	Committee AM0471 p. 878, First Session, adopted. Haberman pending AM0904 p. 1295, First Session, lost. Advanced for Review	200
Jan.	13	Lindsay AM2385 printed	261

Jan.	14	Placed on Select File - AM5185	292
Mar.	11	AM5185 (E & R) adopted. Conway AM3298 (printed separate) and Lindsay pending AM2385 p. 261 adopted. Advanced for Engrossment	1282
Mar.	18	Correctly Engrossed. ER7157 change	1388
Mar.	24	Final Reading w/E 40-0-9	1531
Mar.	24	Speaker signed	1533
Mar.	24	Presented to Governor (3/24)	1541
Mar.	24	Attorney General's Opinion #92050 to Schmit	1559
Mar.	25	Lindsay explanation of vote	1599
Mar.	26	Approved by Governor (3/26)	1703

(Provisions/portions of LB 977 amended into LB 424 by AM3298)

LEGISLATIVE BILL 426. By Wesely, Dierks

Jan.	8	Title	31
Jan.	23	Indefinitely postponed	451

LEGISLATIVE BILL 428. By Kristensen, Lindsay, Rasmussen

Jan.	8	Title	31
Jan.	30	Byars priority bill	568
Feb.	3	Placed on General File - Com AM2538 (printed separate)	629
Feb.	12	Committee AM2538 adopted. Advanced for Review	808
Feb.	18	Placed on Select File - AM5260	886
Mar.	26	AM5260 (E & R) adopted. Beutler AM3503 lost. Advanced for Engrossment	1623
Mar.	31	Correctly Engrossed	1769
Apr.	9	Final Reading 43-0-6	2179
Apr.	9	Speaker signed	2197
Apr.	9	Presented to Governor (4/9)	2202
Apr.	20	Approved by Governor (4/15)	2286

LEGISLATIVE BILL 428A. By Kristensen

Mar.	5	Read first time. Placed on General File	1164
Mar.	11	Advanced for Review	1282
Mar.	17	Placed on Select File	1335
Mar.	26	Advanced for Engrossment	1623
Mar.	31	Correctly Engrossed	1769
Apr.	9	Final Reading 41-0-8	2180
Apr.	9	Speaker signed	2197

Apr.	9	Presented to Governor (4/9)	2202
Apr.	20	Approved by Governor (4/15)	2286

LEGISLATIVE BILL 431. By Wesely, Schellpeper, Smith

Jan.	8	Title	32
Feb.	20	Bohlke priority bill	916
Feb.	20	Bohlke name added	929
Mar.	31	Bohlke-Wesely AM3675 printed	1777
Apr.	6	Committee AM0402 p. 1315, First Session, adopted as amended by Bohlke-Wesely pending AM3675 p. 1777. Advanced for Review	1988
Apr.	8	Placed on Select File - AM5294	2091
Apr.	9	AM5294 (E & R) adopted. Advanced for Engrossment	2141
Apr.	9	Correctly Engrossed	2188
Apr.	14	Baack motion to suspend rules prevailed	2239
Apr.	14	Final Reading w/E 46-0-3	2244
Apr.	14	President signed	2259
Apr.	14	Presented to Governor (4/14)	2261
Apr.	20	Approved by Governor (4/17)	2293

LEGISLATIVE BILL 431A. By Wesely, Bohlke

Mar.	19	Read first time. Placed on General File	1431
Apr.	6	Advanced for Review	1989
Apr.	8	Placed on Select File	2092
Apr.	8	Landis AM4117 (on file) printed	2132
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 434. By Chizek

Jan.	8	Title	32
Jan.	23	Advanced for Review	457
Jan.	28	Placed on Select File - AM5222	524
Feb.	3	AM5222 (E & R) adopted. Advanced for Engrossment	623
Feb.	7	Correctly Engrossed	717
Feb.	12	Final Reading 37-0-12	795
Feb.	12	Speaker signed	799
Feb.	12	Presented to Governor (2/12)	800
Feb.	19	Approved by Governor (2/18)	890

LEGISLATIVE BILL 435. By Chizek

Jan.	8	Title	32
Jan.	23	Advanced for Review	457
Jan.	28	Placed on Select File	524
Feb.	3	Advanced for Engrossment	623
Feb.	7	Correctly Engrossed	717
Feb.	12	Final Reading 39-0-10	796
Feb.	12	Speaker signed	799
Feb.	12	Presented to Governor (2/12)	800
Feb.	19	Approved by Governor (2/18)	890

LEGISLATIVE BILL 436. By Chizek

Jan.	8	Title	32
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 437. By Chizek

Jan.	8	Title	32
Jan.	13	Committee AM0798 p. 1135, First Session, adopted. Advanced for Review	246
Jan.	16	Placed on Select File	327
Apr.	2	Chizek AM3166 printed separate	1861
Apr.	14	Indefinitely postponed	2284

(Provisions/portions of LB 437 amended into LB 1059 by AM4320)

LEGISLATIVE BILL 438. By Chizek

Jan.	8	Title	32
Jan.	17	Indefinitely postponed	368

LEGISLATIVE BILL 440. By Chizek

Jan.	8	Title	32
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 441. By Chizek

Jan.	8	Title	32
Jan.	30	Placed on General File - Com AM2542	575
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 442. By Chizek

Jan.	8	Title	33
Jan.	17	Indefinitely postponed	368

LEGISLATIVE BILL 443. By Chizek

Jan.	8	Title	33
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 445. By Wesely, Kristensen, Rasmussen

Jan.	8	Title	33
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 446. By Schrock, Coordsen, Smith

Jan.	8	Title	33
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 447. By Bernard-Stevens

Jan.	8	Title	33
Jan.	31	Bernard-Stevens priority bill	588
Jan.	31	Placed on General File - Com AM2639	591
Feb.	12	Committee AM2639 adopted. Bernard-Stevens AM2862 adopted as amended by Bernard-Stevens AM2893. Advanced for Review	808
Feb.	18	Placed on Select File - AM5264	887
Feb.	27	Bernard-Stevens AM3031 to AM2862 printed	1057
Mar.	9	Bernard-Stevens-Landis AM3198 to AM2862 printed	1234
Mar.	17	Landis AM3506 to AM2862 printed	1367
Mar.	26	AM5264 (E & R) adopted. Bernard-Stevens pending AM3031 p. 1057 and AM3755 (on file) adopted. Advanced for Engrossment	1623
Mar.	31	Correctly Engrossed. ER7160 change	1769
Apr.	9	Landis pending AM3506 p. 1367 withdrawn. Final Reading 38-0-11	2193
Apr.	9	Speaker signed	2197
Apr.	9	Presented to Governor (4/9)	2202
Apr.	20	Approved by Governor (4/15)	2286

LEGISLATIVE BILL 447A. By Bernard-Stevens

Mar.	10	Read first time. Placed on General File	1265
Mar.	26	Bernard-Stevens AM3756 printed	1629
Mar.	31	Bernard-Stevens pending AM3756 p. 1629 adopted. Advanced for Review	1723
Apr.	1	Placed on Select File - AM5287	1812
Apr.	3	AM5287 (E & R) adopted. Advanced for Engrossment	1906
Apr.	6	Correctly Engrossed	1950
Apr.	9	Final Reading 39-0-10	2194
Apr.	9	Speaker signed	2197
Apr.	9	Presented to Governor (4/9)	2202
Apr.	20	Approved by Governor (4/15)	2286

LEGISLATIVE BILL 448. By Pirsch

Jan.	8	Title	33
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 451. By Pirsch

Jan.	8	Title	33
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 452. By Business and Labor Committee

Jan.	8	Title	33
Jan.	9	Advanced for Review	196
Jan.	13	Placed on Select File	258
Jan.	27	Advanced for Engrossment	500
Jan.	31	Correctly Engrossed	586
Feb.	5	Final Reading 39-0-10	673
Feb.	5	Speaker signed	674
Feb.	5	Presented to Governor (2/5)	680
Feb.	10	Approved by Governor (2/7)	745

LEGISLATIVE BILL 453. By Smith, Elmer

Jan.	8	Title	34
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 459. By Chizek, Pirsch, Nelson, Moore, Elmer, Hillman

Jan.	8	Title	34
Jan.	23	Placed on General File - Com AM2420	460

Jan.	27	Chizek priority bill	492
Apr.	1	Baack AM3832 printed separate	1794
Apr.	6	Hall AM4097 (on file) printed	1994
Apr.	7	Committee AM2420 adopted. Baack pending AM3832 p. 1794 withdrawn. Advanced for Review	2035
Apr.	7	Abboud AM4047 to AM2420 printed	2042
Apr.	8	Placed on Select File - AM5298 (printed separate)	2128
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 460. By Coordsen

Jan.	8	Title	34
Feb.	18	Indefinitely postponed	887

LEGISLATIVE BILL 461. By Transportation Committee

Jan.	8	Title	34
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 463. By Wesely, Landis

Jan.	8	Title	34
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 464. By Conway, Bernard-Stevens

Jan.	8	Title	34
Jan.	23	Indefinitely postponed	451

LEGISLATIVE BILL 465. By Landis, Wesely

Jan.	8	Title	34
Jan.	23	Committee AM0374 p. 805, First Session, adopted. Failed to advance for Review	466
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 465A. By Landis

Jan.	8	Title	35
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 466. By Wesely, Schimek, Landis

Jan.	8	Title	35
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 467. By Coordsen, Chambers, Morrissey

Jan.	8	Title	35
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 470. By Schmit

Jan.	8	Title	35
Jan.	10	Schmit priority bill	230
Jan.	13	Crosby name added	254
Jan.	28	Bernard-Stevens motion to bracket until 2/5/92 lost. Advanced for Review	514
Feb.	4	Placed on Select File - AM5236 (printed separate)	642
Feb.	19	Landis AM2958 (on file) printed	902
Feb.	27	Landis AM3142 (on file) printed	1040
Mar.	17	AM5236 (E & R) adopted. Landis pending AM2958 p. 902 withdrawn. Landis pending AM3142 p. 1040 adopted. Advanced for Engrossment	1337
Mar.	17	Expedited	1338
Mar.	17	Landis name added	1367
Mar.	18	Correctly Engrossed. ER7158 change	1381
Mar.	24	Final Reading w/E 37-4-8	1532
Mar.	24	Speaker signed	1533
Mar.	24	Presented to Governor (3/24)	1541
Mar.	25	Lindsay explanation of vote	1599
Mar.	26	Approved by Governor (3/25)	1621

(Provisions/portions of LB 1215 amended into LB 470 by AM3142)

LEGISLATIVE BILL 473. By Peterson, Will, Labedz

Jan.	8	Title	35
Feb.	7	Committee AM0538 p. 1124, First Session, adopted. Advanced for Review	736
Feb.	13	Placed on Select File - AM5252	829
Mar.	6	Peterson AM2768 printed	1185
Mar.	11	Peterson AM3416 to AM5252 printed	1288
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 474. By Nebraska Retirement Systems Committee

Jan. 8 Title 35
Apr. 14 Indefinitely postponed 2284

LEGISLATIVE BILL 475. By Nebraska Retirement Systems Committee

Jan. 8 Title 35
Feb. 5 Indefinitely postponed 678

LEGISLATIVE BILL 476. By Schmit

Jan. 8 Title 36
Apr. 14 Indefinitely postponed 2284

LEGISLATIVE BILL 478. By Crosby, Labedz, Rogers

Jan. 8 Title 36
Apr. 14 Indefinitely postponed 2284

LEGISLATIVE BILL 479. By Will

Jan. 8 Title 36
Apr. 14 Indefinitely postponed 2284

LEGISLATIVE BILL 481. By Schellpeper

Jan. 8 Title 36
Jan. 23 Indefinitely postponed 451

LEGISLATIVE BILL 483. By Byars, Conway

Jan. 8 Title 36
Jan. 22 Indefinitely postponed 427

LEGISLATIVE BILL 484. By Pirsch

Jan. 8 Title 36
Apr. 14 Indefinitely postponed 2284

LEGISLATIVE BILL 485. By Ashford, Lynch

Jan. 8 Title 36
Apr. 14 Indefinitely postponed 2284

LEGISLATIVE BILL 489. By Warner

Jan.	8	Title	37
Jan.	23	Advanced for Review	458
Jan.	28	Placed on Select File	533
Feb.	12	Warner AM2691 printed	822
Feb.	18	Warner AM2964 printed	861
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 490. By Warner

Jan.	8	Title	37
Jan.	23	Indefinitely postponed	451

LEGISLATIVE BILL 491. By Hall, Will

Jan.	8	Title	37
Jan.	27	Indefinitely postponed	499

LEGISLATIVE BILL 492. By Hall

Jan.	8	Title	37
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 493. By Schimek, Conway

Jan.	8	Title	37
Jan.	22	Schimek AM2434 printed	429
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 494. By Wesely

Jan.	8	Title	37
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 495. By Wesely

Jan.	8	Title	37
Jan.	13	Pirsch name added	280
Jan.	16	Placed on General File	343
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 496. By Wesely

Jan.	8	Title	37
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 497. By R. Johnson

Jan.	8	Title	37
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 499. By Conway

Jan.	8	Title	38
Feb.	11	Indefinitely postponed	776

LEGISLATIVE BILL 503. By Moore, Conway, Morrissey

Jan.	8	Title	38
Feb.	4	Moore AM2391 printed separate	659
Feb.	6	AM5135 (E & R) p. 1903, First Session, adopted. Schellpeper pending AM1471 p. 1872, First Session, withdrawn. Moore pending AM2391 p. 659 pending	689
Feb.	6	Bernard-Stevens FA257 to AM2391 withdrawn. Pending	689
Feb.	6	Moore pending AM2391 p. 659 lost. Schellpeper AM2358 pending. Byars motion to bracket until 2/18/92 prevailed	706
Mar.	31	Moore AM3835 printed separate	1750
Apr.	3	Schellpeper AM3637 (on file) printed	1930
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 503A. By Moore

Jan.	8	Title	38
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 504. By Coordsen

Jan.	8	Title	38
Feb.	18	Indefinitely postponed	887

LEGISLATIVE BILL 505. By Coordsen, Morrissey

Jan.	8	Title	38
Jan.	22	Indefinitely postponed	427

LEGISLATIVE BILL 507. By Hartnett

Jan.	8	Title	38
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 510. By Hartnett

Jan.	8	Title	38
Feb.	3	Placed on General File - Com AM2576	630
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 512. By Coordsen, Robak, Hefner, Peterson, Lamb

Jan.	8	Title	39
Jan.	23	Indefinitely postponed	451

LEGISLATIVE BILL 513. By Hartnett

Jan.	8	Title	39
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 514. By Hartnett

Jan.	8	Title	39
Feb.	3	Placed on General File - Com AM2541 (printed separate)	629
Mar.	20	Attorney General's Opinion #92047 to Wesely	1478
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 515. By Chizek

Jan.	8	Title	39
Feb.	19	Indefinitely postponed	896

LEGISLATIVE BILL 516. By Chizek

Jan.	8	Title	39
Feb.	19	Indefinitely postponed	896

LEGISLATIVE BILL 517. By Chizek

Jan.	8	Title	39
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 518. By Lynch, Wesely

Jan.	8	Title	39
Feb.	25	Placed on General File - Com AM2978	970
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 519. By Lynch

Jan.	8	Title	40
Feb.	11	Indefinitely postponed	782

LEGISLATIVE BILL 520. By Lynch, Will, Rogers, Peterson, Hefner, Hartnett

Jan.	8	Title	40
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 521. By Lynch

Jan.	8	Title	40
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 522. By Dierks, Conway, Robak, Pirsch, Hartnett

Jan.	8	Title	40
Jan.	14	Committee AM0560 p. 969, First Session, adopted. Crosby pending AM0747 p. 1074, First Session, lost as amended by Bohlke FA224. Crosby pending AM0859 p. 1230, First Session, lost. Crosby pending AM0860, AM0862, AM0861, and AM0863, p. 1230-1232, First Session, withdrawn. Ashford FA225 lost. Pending	298
Jan.	15	Kristensen motion to indefinitely postpone laid over	313
Jan.	21	Chizek AM2437 printed	396
Jan.	22	Kristensen pending motion p. 313 withdrawn. Chizek pending AM2437 p. 396 withdrawn. Chizek AM2446 adopted as amended by Withem FA232. Bernard-Stevens motion to bracket until 3/14/92 lost. Lynch FA233 withdrawn. Pending	406
Jan.	22	Chambers FA234 lost. Advanced for Review	420
Jan.	28	Placed on Select File - AM5215	512
Mar.	6	Dierks AM3265 printed	1197
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 522A. By Dierks

Jan.	8	Title	40
Jan.	22	Dierks AM2466 adopted. Advanced for Review	422
Jan.	28	Placed on Select File - AM5216	513
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 523. By Kristensen, Lindsay

Jan.	8	Title	40
Jan.	8	Chizek AM2343 printed separate	160
Jan.	9	Committee AM0771 p. 1136, First Session, adopted as amended by Chizek pending AM2343 p. 160. Advanced for Review	196
Jan.	13	Placed on Select File - AM5183	257
Jan.	21	Kristensen AM2430 to AM2343 printed	384
Jan.	29	AM5183 (E & R) adopted. Kristensen pending AM2430 p. 384 adopted. Beutler AM2529 and AM2533 lost. Advanced for Engrossment	547
Feb.	4	Correctly Engrossed	641
Feb.	7	Final Reading 36-1-12	723
Feb.	7	President signed	728
Feb.	7	Presented to Governor (2/7)	733
Feb.	12	Approved by Governor (2/11)	791

LEGISLATIVE BILL 524. By Hall

Jan.	8	Title	40
Feb.	18	Indefinitely postponed	887

LEGISLATIVE BILL 527. By Smith, Labedz, Crosby, Rogers, Hillman, Wickersham, Robak, Morrissey, Wesely, Schrock, Will

Jan.	8	Title	41
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 529. By Lindsay

Jan.	8	Title	41
Jan.	15	Committee AM0545 p. 968, First Session, adopted. Will FA226 adopted. Advanced for Review	313
Jan.	22	Placed on Select File - AM5199	402

Feb.	7	Attorney General's Opinion #92016 to Byars	719
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 529A. By Lindsay

Mar.	17	Read first time. Placed on General File	1351
Mar.	31	Advanced for Review	1730
Apr.	1	Placed on Select File	1813
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 530. By Lindsay

Jan.	8	Title	41
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 531. By Crosby, Beyer, Rogers, Schrock, Lamb, L. Johnson, Smith

Jan.	8	Title	41
Jan.	27	Indefinitely postponed	499

LEGISLATIVE BILL 532. By Landis, Pirsch, Hefner, Horgan, Dierks, Beyer, L. Johnson, Withem

Jan.	8	Title	41
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 532A. By Landis

Jan.	8	Title	41
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 533. By Lynch

Jan.	8	Title	42
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 537. By Wesely, Dierks

Jan.	8	Title	42
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 537A. By Wesely

Jan.	8	Title	42
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 538. By Wesely

Jan.	8	Title	42
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 538A. By Wesely

Jan.	8	Title	42
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 539. By Wesely

Jan.	8	Title	42
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 540. By Wesely, Nelson

Jan.	8	Title	42
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 541. By Hall, Will, Lindsay, Labedz

Jan.	8	Title	42
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 542. By Nelson, Hartnett, Elmer, R. Johnson, Lynch, Rogers

Jan.	8	Title	43
Jan.	17	Committee AM0248 p. 628, First Session, adopted. Nelson FA229 lost. Hefner-Schimek pending AM0612 p. 1003, First Session, adopted. Advanced for Review	370
Jan.	23	Placed on Select File - AM5210	454
Apr.	8	AM5210 (E & R) adopted. Advanced for Engrossment	2102
Apr.	9	Correctly Engrossed	2142
Apr.	14	Baack motion to suspend rules prevailed	2239
Apr.	14	Final Reading w/E 40-4-5	2244
Apr.	14	President signed	2259
Apr.	14	Presented to Governor (4/14)	2261
Apr.	20	Approved by Governor (4/17)	2293

LEGISLATIVE BILL 543. By Nelson

Jan.	8	Title	43
Jan.	9	Nelson AM2334 printed	188
Jan.	9	Nelson AM2335 printed	190
Jan.	13	Committee AM0726 p. 2174, First Session, lost. Nelson pending AM2334 p. 188 withdrawn. Nelson pending AM2335 p. 190 adopted. Advanced for Review	270
Jan.	17	Placed on Select File - AM5196	365
Jan.	27	AM5196 (E & R) adopted. Advanced for Engrossment	507
Jan.	31	Correctly Engrossed	586
Feb.	5	Final Reading 40-0-9	673
Feb.	5	Speaker signed	674
Feb.	5	Presented to Governor (2/5)	680
Feb.	10	Approved by Governor (2/7)	745

LEGISLATIVE BILL 544. By Conway

Jan.	8	Title	43
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 545. By Lynch, Cudaback, Schellpeper, Rasmussen

Jan.	8	Title	43
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 546. By Lynch, Schmit, Schellpeper

Jan.	8	Title	43
Jan.	29	Indefinitely postponed	551

LEGISLATIVE BILL 547. By Lynch, Schmit, Schellpeper

Jan.	8	Title	43
Jan.	29	Indefinitely postponed	551

LEGISLATIVE BILL 548. By Lynch, Schmit, Schellpeper

Jan.	8	Title	44
Jan.	29	Indefinitely postponed	551

LEGISLATIVE BILL 551. By Kristensen, Coordsen, Dierks, Elmer, Rogers, Schellpeper

Jan. 8 Title 44
Feb. 5 Placed on General File - Com AM2662 664
Apr. 14 Indefinitely postponed 2284
(Provisions/portions of LB 551 amended into LB 719 by AM3712)

LEGISLATIVE BILL 552. By Wesely, Ashford

Jan. 8 Title 44
Mar. 10 Indefinitely postponed 1262

LEGISLATIVE BILL 553. By Lynch, Will, Hall

Jan. 8 Title 44
Apr. 14 Indefinitely postponed 2284

LEGISLATIVE BILL 555. By Hall

Jan. 8 Title 44
Apr. 14 Indefinitely postponed 2284

LEGISLATIVE BILL 556. By Baack, Hefner, Wesely, Beutler, Coordsen, Morrissey, Schellpeper, Smith, Schimek, Ashford

Jan. 8 Title 44
Jan. 29 Placed on General File - Com AM2560 552
(printed separate)
Jan. 30 Baack priority bill 568
Feb. 3 Baack AM2686 to committee AM2560 printed 627
Feb. 6 Baack AM2762 to committee AM2560 printed 690
Feb. 18 Ashford AM2948 to committee AM2560 printed 876
Mar. 17 Wesely AM3533 to committee AM2560 printed 1367
Mar. 18 Coordsen AM3568 to committee AM2560 printed 1415
Mar. 19 Baack pending AM2686 p. 627 and pending
AM2762 p. 690 to committee AM2560
adopted. Ashford pending AM2948
p. 876 lost. Pending 1443
Mar. 19 Wesely pending AM3533 p. 1367 withdrawn.
Coordsen request to substitute amendment
prevailed. Coordsen pending AM3568
p. 1415 withdrawn. Coordsen substitute
AM3589, Chambers FA313 and R. Johnson
FA314 to committee AM2560 adopted.

		Committee AM2560 p. 552 adopted as amended. Pending	1457
Mar.	23	Chambers FA320 to committee AM2560 adopted. Ashford AM3636 to committee AM2560 pending	1510
Mar.	23	Ashford pending AM3636 p. 1510 adopted as amended by R. Johnson FA321 and FA322. Chambers FA323 adopted. Advanced for Review	1517
Mar.	25	Placed on Select File - AM5280 (printed separate)	1581
Apr.	7	Baack AM4076 to AM5280 printed	2048
Apr.	7	Baack AM3868 to AM5280 printed	2050
Apr.	9	AM5280 (E & R) adopted. Baack pending AM4076 p. 2048 and pending AM3868 p. 2050 adopted. Lindsay AM4299 withdrawn. Advanced for Engrossment	2149
Apr.	9	Correctly Engrossed	2188
Apr.	9	ER7177 change	2189
Apr.	14	Baack motion to suspend rules prevailed	2239
Apr.	14	Final Reading 36-13-0	2245
Apr.	14	President signed	2259
Apr.	14	Presented to Governor (4/14)	2261
Apr.	20	Approved by Governor (4/17)	2292

LEGISLATIVE BILL 556A. By Baack

Mar.	25	Read first time. Placed on General File	1610
Mar.	31	Advanced for Review	1723
Apr.	1	Placed on Select File	1813
Apr.	9	Advanced for Engrossment	2153
Apr.	9	Correctly Engrossed	2188
Apr.	14	Baack motion to suspend rules prevailed	2239
Apr.	14	Final Reading 38-10-1	2246
Apr.	14	President signed	2259
Apr.	14	Presented to Governor (4/14)	2261
Apr.	20	Approved by Governor (4/17)	2292

LEGISLATIVE BILL 557. By Schimek, Baack, Chizek, Lynch, Coordsen, Labedz, Wesely, Schmit

Jan.	8	Title	44
Mar.	4	Placed on General File - Com AM3082 (printed separate)	1125
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 559. By Schimek, Baack, Chizek, Lynch, Coordsen, Wesely, Labedz, Schmit

Jan.	8	Title	45
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 560. By Chizek

Jan.	8	Title	45
Jan.	23	Advanced for Review	458
Jan.	28	Placed on Select File - AM5223	531
Feb.	3	AM5223 (E & R) adopted. Advanced for Engrossment	623
Feb.	7	Correctly Engrossed	717
Feb.	12	Final Reading 39-0-10	797
Feb.	12	Speaker signed	799
Feb.	12	Presented to Governor (2/12)	800
Feb.	19	Approved by Governor (2/18)	890

LEGISLATIVE BILL 562. By Coordsen

Jan.	8	Title	45
Jan.	8	Coordsen AM2346 to committee AM0407 printed	156
Jan.	9	Committee AM0407 p. 914, First Session, adopted as amended by Coordsen pending AM2346 p. 156. Advanced for Review	182
Jan.	13	Placed on Select File - AM5184	256
Apr.	9	AM5184 (E & R) adopted. Advanced for Engrossment	2164
Apr.	9	Correctly Engrossed	2197
Apr.	14	Baack motion to suspend rules prevailed	2239
Apr.	14	Final Reading 47-1-1	2247
Apr.	14	President signed	2259
Apr.	14	Presented to Governor (4/14)	2261
Apr.	20	Returned by Governor without approval (4/15)	2287

LEGISLATIVE BILL 563. By Coordsen

Jan.	8	Title	45
Jan.	23	Indefinitely postponed	462

LEGISLATIVE BILL 564. By Labedz

Jan. 8	Title	45
Apr. 14	Indefinitely postponed	2284

LEGISLATIVE BILL 566. By Labedz

Jan. 8	Title	45
Apr. 14	Indefinitely postponed	2284

LEGISLATIVE BILL 567. By Labedz, Hall

Jan. 8	Title	45
Apr. 14	Indefinitely postponed	2284

LEGISLATIVE BILL 568. By Morrissey

Jan. 8	Title	45
Apr. 14	Indefinitely postponed	2284

LEGISLATIVE BILL 569. By Peterson

Jan. 8	Title	46
Apr. 14	Indefinitely postponed	2284

LEGISLATIVE BILL 570. By Hefner

Jan. 8	Title	46
Jan. 22	Indefinitely postponed	427

LEGISLATIVE BILL 572. By Baack

Jan. 8	Title	46
Jan. 24	Indefinitely postponed	486

LEGISLATIVE BILL 573. By Baack, Robak, Wehrbein

Jan. 8	Title	46
Jan. 16	Committee AM0532 p. 914, First Session, adopted as amended by Baack pending AM0721 p. 1080, First Session. Advanced for Review	339
Jan. 22	Placed on Select File - AM5204	425
Jan. 29	Baack AM2573 printed separate	565
Jan. 31	AM5204 (E & R) adopted. Baack pending AM2573 p. 565 adopted.	

Advanced for Engrossment 600
Feb. 5 Baack AM2755 to AM2573 printed 669
Feb. 11 Bracketed on E & R Final 768
Mar. 31 Unbracketed on E & R Final 1745
Apr. 1 Returned to Select File for Baack amendment. Baack pending AM2755 p. 669 adopted. Advanced for Engrossment. Bernard-Stevens motion to suspend rules to permit consideration of AM3882 prevailed. Returned to Select File for Bernard-Stevens amendment. Bernard-Stevens AM3882 adopted. Advanced for Engrossment 1797
Apr. 2 Correctly Engrossed 1884
Apr. 2 ER7135 change 1885
Apr. 9 Final Reading 41-0-8 2183
Apr. 9 Speaker signed 2197
Apr. 9 Presented to Governor (4/9) 2202
Apr. 20 Approved by Governor (4/15) 2286

LEGISLATIVE BILL 576. By Cudaback, Horgan, Hartnett, Morrissey

Jan. 8 Title 46
Apr. 14 Indefinitely postponed 2284

LEGISLATIVE BILL 577. By Baack

Jan. 8 Title 46
Apr. 14 Indefinitely postponed 2284

LEGISLATIVE BILL 581. By Smith

Jan. 8 Title 46
Apr. 14 Indefinitely postponed 2284

LEGISLATIVE BILL 584. By Rogers

Jan. 8 Title 46
Apr. 14 Indefinitely postponed 2284

LEGISLATIVE BILL 585. By Withem, Warner, L. Johnson

Jan. 8 Title 47
Apr. 14 Indefinitely postponed 2284

LEGISLATIVE BILL 585A. By Warner

Jan.	8	Title	47
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 587. By Beyer

Jan.	8	Title	47
Jan.	23	Indefinitely postponed	451

LEGISLATIVE BILL 589. By Beyer

Jan.	8	Title	47
Jan.	29	Indefinitely postponed	551

LEGISLATIVE BILL 590. By Rogers

Jan.	8	Title	47
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 593. By Morrissey

Jan.	8	Title	47
Jan.	22	Indefinitely postponed	427

LEGISLATIVE BILL 594. By Chizek

Jan.	8	Title	47
Mar.	4	Placed on General File - Com AM3254	1125
Mar.	6	Chizek AM3289 to committee AM3254 printed	1188
Apr.	14	Indefinitely postponed	2284

(Provisions/portions of LB 594 amended into LB 1006 by AM3448)

LEGISLATIVE BILL 596. By Lindsay

Jan.	8	Title	47
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 597. By Lindsay

Jan.	8	Title	48
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 598. By Crosby

Jan. 8 Title 48
Apr. 14 Indefinitely postponed 2284

LEGISLATIVE BILL 599. By Crosby

Jan. 8 Title 48
Apr. 14 Indefinitely postponed 2284

LEGISLATIVE BILL 600. By Crosby

Jan. 8 Title 48
Apr. 14 Indefinitely postponed 2284

LEGISLATIVE BILL 602. By Crosby

Jan. 8 Title 48
Apr. 14 Indefinitely postponed 2284
(Provisions/portions of LB 602 amended into LB 1019 by FA371)

LEGISLATIVE BILL 606. By Lynch

Jan. 8 Title 48
Apr. 14 Indefinitely postponed 2284

LEGISLATIVE BILL 609. By Lynch

Jan. 8 Title 48
Apr. 14 Indefinitely postponed 2284

LEGISLATIVE BILL 612. By Wickersham, Baack, Pirsch, Hillman, Schellpeper

Jan. 8 Title 48
Apr. 14 Indefinitely postponed 2284

LEGISLATIVE BILL 613. By Elmer, Nelson, Wehrbein

Jan. 8 Title 49
Feb. 25 Indefinitely postponed 977

LEGISLATIVE BILL 620. By Lindsay

Jan. 8 Title 49
Jan. 17 Indefinitely postponed 368

LEGISLATIVE BILL 621. By Dierks, Lamb

Jan. 8 Title 49
Feb. 19 Indefinitely postponed 896
(Provisions/portions of LB 621 amended into LB 111 by AM2912)

LEGISLATIVE BILL 622. By Wickersham

Jan. 8 Title 49
Apr. 14 Indefinitely postponed 2284

LEGISLATIVE BILL 624. By Warner

Jan. 8 Title 49
Apr. 14 Indefinitely postponed 2284

LEGISLATIVE BILL 630. By Beutler

Jan. 8 Title 49
Feb. 25 Indefinitely postponed 986

LEGISLATIVE BILL 631. By Beutler

Jan. 8 Title 49
Jan. 17 Placed on General File - Com AM2375 355
(printed separate)
Feb. 21 Speaker's priority bill 948
Apr. 14 Indefinitely postponed 2284

LEGISLATIVE BILL 632. By Beutler

Jan. 8 Title 50
Jan. 24 Indefinitely postponed 486

LEGISLATIVE BILL 633. By Beutler, Warner, Wesely, Schimek, Crosby, Landis

Jan. 8 Title 50
Apr. 14 Indefinitely postponed 2284

LEGISLATIVE BILL 637. By Beutler

Jan. 8 Title 50
Feb. 19 Indefinitely postponed 896

LEGISLATIVE BILL 640. By Landis, Schimek, Ashford, Nelson, Chambers, Rasmussen, Hillman

Jan.	8	Title	50
Feb.	19	Indefinitely postponed	896

LEGISLATIVE BILL 641. By Pirsch

Jan.	8	Title	50
Jan.	24	Committee AM0561 p. 948, First Session, adopted. Advanced for Review	477
Jan.	29	Placed on Select File - AM5234	560
Feb.	13	AM5234 (E & R) adopted. Advanced for Engrossment	848
Feb.	19	Correctly Engrossed	908
Feb.	26	Final Reading 39-0-10	1003
Feb.	26	Speaker signed	1008
Feb.	26	Presented to Governor (2/26)	1023
Mar.	3	Approved by Governor (2/28)	1068

(Provisions/portions of LB 449 amended into LB 641 by AM0561)
(Provisions/portions of LB 450 amended into LB 641 by AM0561)

LEGISLATIVE BILL 643. By Pirsch

Jan.	8	Title	50
Jan.	23	Advanced for Review	458
Jan.	28	Placed on Select File	533
Feb.	3	Advanced for Engrossment	623
Feb.	7	Correctly Engrossed	717
Feb.	12	Final Reading 38-0-11	798
Feb.	12	Speaker signed	799
Feb.	12	Presented to Governor (2/12)	800
Feb.	19	Approved by Governor (2/18)	890

LEGISLATIVE BILL 644. By Pirsch

Jan.	8	Title	51
Feb.	19	Indefinitely postponed	896

LEGISLATIVE BILL 649. By Landis

Jan.	8	Title	51
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 655. By Moore

Jan.	8	Title	51
Mar.	10	Indefinitely postponed	1262

LEGISLATIVE BILL 658. By R. Johnson

Jan.	8	Title	51
Jan.	17	Placed on General File - Com AM2349	355
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 659. By R. Johnson

Jan.	8	Title	51
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 660. By Natural Resources Committee

Jan.	8	Title	51
Jan.	22	Indefinitely postponed	427

LEGISLATIVE BILL 661. By R. Johnson

Jan.	8	Title	51
Jan.	23	Failed to advance for Review	458
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 662. By Warner, Robinson

Jan.	8	Title	51
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 664. By Conway

Jan.	8	Title	52
Feb.	7	Committee AM0706 p. 1087, First Session, adopted. Advanced for Review	735
Feb.	12	Placed on Select File - AM5253	812
Feb.	18	Conway AM2943 printed	878
Feb.	25	Conway AM3069 printed	993
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 666. By Wehrbein

Jan.	8	Title	52
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 668. By Conway

Jan.	8	Title	52
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 669. By R. Johnson, Elmer, Smith, Hartnett

Jan.	8	Title	52
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 670. By Conway

Jan.	8	Title	52
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 671. By Landis, Ashford, Bernard-Stevens, Beutler, Nelson

Jan.	8	Title	52
Jan.	10	Landis priority bill	230
Jan.	13	Beutler name added	280
Jan.	16	Advanced for Review	326
Jan.	22	Placed on Select File - AM5202	423
Jan.	29	AM5202 (E & R) adopted. Landis AM2554 (printed separate) adopted. Pending	557
Jan.	29	Lindsay AM2583 printed	562
Jan.	29	Lindsay AM2582, AM2600, and AM2594 printed	563
Jan.	29	Lindsay AM2505 printed	564
Jan.	29	Lindsay AM2574 printed	565
Jan.	30	Lindsay pending AM2600 p. 563, AM2574 p. 565, Landis-Lindsay AM2598 and Lindsay FA246 adopted. Lindsay pending AM2505 p. 564 lost as amended by Lindsay FA244. Lindsay request to substitute amendment prevailed. Lindsay pending AM2583 p. 562 withdrawn. Lindsay substitute AM2644 to AM2554 adopted. Lindsay pending AM2594 p. 563 lost. Lindsay FA245 and pending AM2582 p. 563 withdrawn. Advanced for Engrossment	571
Feb.	5	Correctly Engrossed	660
Feb.	5	ER7133 change	662
Feb.	10	Final Reading 34-9-6	746
Feb.	10	Speaker signed	749

Feb.	10	Presented to Governor (2/10)	750
Feb.	12	Approved by Governor (2/12)	799
Feb.	12	R. Johnson explanation of vote	800
Feb.	13	Pirsch explanation of vote	852

LEGISLATIVE BILL 672. By Nelson, Bernard-Stevens

Jan.	8	Title	52
Feb.	12	Placed on General File - Com AM2558	801
Feb.	20	Nelson priority bill	918
Mar.	19	Nelson AM3486 to committee AM2558 printed	1438
Apr.	6	Committee AM2558 adopted as amended by Nelson pending AM3486 p. 1438. Advanced for Review	1993
Apr.	8	Placed on Select File - AM5292 (printed separate)	2092
Apr.	9	AM5292 (E & R) adopted. Nelson AM4294 (on file) adopted. Advanced for Engrossment	2164
Apr.	9	Kristensen name added	2197
Apr.	9	Correctly Engrossed. ER7182 change	2198
Apr.	14	Baack motion to suspend rules prevailed	2239
Apr.	14	Final Reading 47-0-2	2248
Apr.	14	President signed	2259
Apr.	14	Presented to Governor (4/14)	2261
Apr.	20	Approved by Governor (4/17)	2293

(Provisions/portions of LB 930 amended into LB 672 by AM4294)
(Provisions/portions of LB 1040 amended into LB 672 by AM4294)
(Provisions/portions of LB 1108 amended into LB 672 by AM4294)
(Provisions/portions of LB 1196 amended into LB 672 by AM4294)
(Provisions/portions of LB 1208 amended into LB 672 by AM4294)

LEGISLATIVE BILL 673. By Bernard-Stevens

Jan.	8	Title	53
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 675. By Wesely

Jan.	8	Title	53
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 676. By Wesely

Jan.	8	Title	53
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 677. By Wesely, Rasmussen

Jan.	8	Title	53
Jan.	16	Wesely AM2332 printed separate	343
Jan.	17	Committee AM0462 p. 920, First Session, lost. Wesely pending AM2332 p. 343 adopted. Advanced for Review	363
Jan.	22	Placed on Select File - AM5207	425
Jan.	30	Wesely AM2614 to AM2332 printed	582
Jan.	31	AM5207 (E & R) adopted. Wesely pending AM2614 p. 582 adopted. Advanced for Engrossment	604
Feb.	6	Correctly Engrossed	683
Feb.	6	ER7137 change	684
Apr.	9	Final Reading 44-0-5	2170
Apr.	9	Speaker signed	2180
Apr.	9	Presented to Governor (4/9)	2190
Apr.	20	Approved by Governor (4/15)	2286

LEGISLATIVE BILL 677A. By Wesely

Jan.	27	Read first time. Placed on General File	500
Feb.	27	Advanced for Review	1031
Mar.	3	Placed on Select File	1067
Mar.	6	Advanced for Engrossment	1182
Mar.	9	Correctly Engrossed	1213
Apr.	9	Final Reading 41-0-8	2171
Apr.	9	Speaker signed	2180
Apr.	9	Presented to Governor (4/9)	2190
Apr.	20	Approved by Governor (4/15)	2286

LEGISLATIVE BILL 678. By Wesely

Jan.	8	Title	53
Jan.	8	Wesely AM2353 to committee AM0515 printed	155
Jan.	9	Committee AM0515 p. 925, First Session, adopted as amended by Wesely pending AM2353 p. 155. Wesely pending AM1175 p. 1674, First Session, withdrawn. Advanced for Review	201
Jan.	14	Placed on Select File - AM5180	292
Feb.	26	Wesely AM2615 printed separate	1009
Mar.	19	Wesely AM3505 to AM2353 printed	1452

Mar.	20	Beutler AM2387 printed	1499
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 678A. By Wesely

Jan.	8	Title	53
Jan.	9	Advanced for Review	201
Jan.	14	Placed on Select File - AM5181	292
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 679. By Wesely

Jan.	8	Title	53
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 680. By Wesely

Jan.	8	Title	53
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 682. By Schmit

Jan.	8	Title	54
Jan.	14	Lindsay name added	304
Jan.	15	Committee AM0500 p. 937, First Session, adopted. Advanced for Review	316
Jan.	16	Kristensen explanation of vote	326
Jan.	22	Placed on Select File - AM5201 (printed separate)	405
Jan.	29	AM5201 (E & R) adopted. Nelson AM2578 adopted. Advanced for Engrossment	552
Feb.	4	Correctly Engrossed	641
Feb.	4	ER7132 change	642
Feb.	7	Final Reading 36-1-12	724
Feb.	7	President signed	728
Feb.	7	Presented to Governor (2/7)	733
Feb.	12	Approved by Governor (2/11)	791

LEGISLATIVE BILL 684. By Schmit

Jan.	8	Title	54
Jan.	23	Indefinitely postponed	451

LEGISLATIVE BILL 686. By Beutler

Jan.	8	Title	54
Feb.	18	Indefinitely postponed	887

LEGISLATIVE BILL 688. By Beutler

Jan.	8	Title	54
Feb.	19	Indefinitely postponed	896

LEGISLATIVE BILL 690. By Hefner, Coordsen

Jan.	8	Title	54
Feb.	11	Indefinitely postponed	776

LEGISLATIVE BILL 691. By Bernard-Stevens, L. Johnson

Jan.	8	Title	54
Jan.	23	Passed over	463
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 694. By Chizek

Jan.	8	Title	54
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 696. By Lindsay, Wesely

Jan.	8	Title	55
Jan.	9	Lindsay-Wesely AM2354 printed separate	204
Jan.	13	Hillman name added	280
Jan.	16	Committee AM0464 p. 941, First Session, adopted as amended by Lindsay-Wesely AM2418 (printed separate). Lindsay-Wesely pending AM2354 p. 204 withdrawn. Advanced for Review	338
Jan.	16	Kristensen explanation of vote	344
Jan.	22	Placed on Select File - AM5203	423
Jan.	30	Lindsay AM2623 printed	582
Jan.	31	AM5203 (E & R) adopted. Lindsay pending AM2623 p. 582 and Landis FA248 adopted. Landis FA247 withdrawn. Advanced for Engrossment	599
Feb.	5	Correctly Engrossed	660
Feb.	5	ER7134 change	663
Feb.	10	Final Reading 46-0-3	747
Feb.	10	Speaker signed	749

Feb.	10	Presented to Governor (2/10)	750
Feb.	12	Approved by Governor (2/12)	799

LEGISLATIVE BILL 697. By Schmit, Nelson, R. Johnson, Cudaback, Schrock

Jan.	8	Title	55
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 698. By Education Committee

Jan.	8	Title	55
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 702. By Health and Human Services Committee

Jan.	8	Title	56
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 702A. By Wesely

Jan.	8	Title	56
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 704. By Health and Human Services Committee

Jan.	8	Title	56
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 706. By Ashford

Jan.	8	Title	56
Jan.	23	Committee AM0419 p. 822, First Session, adopted. Advanced for Review	466
Jan.	29	Placed on Select File - AM5231	542
Feb.	13	AM5231 (E & R) adopted. Ashford FA266 adopted. Advanced for Engrossment	848
Feb.	19	Correctly Engrossed	908
Apr.	9	Final Reading 45-0-4	2172
Apr.	9	Speaker signed	2180
Apr.	9	Presented to Governor (4/9)	2190
Apr.	20	Approved by Governor (4/15)	2286

LEGISLATIVE BILL 706A. By Ashford

Jan.	8	Title	56
Jan.	23	Advanced for Review	466
Jan.	29	Placed on Select File - AM5230	542
Feb.	13	AM5230 (E & R) adopted. Advanced for Engrossment	848
Feb.	19	Correctly Engrossed	908
Apr.	9	Final Reading 44-0-5	2172
Apr.	9	Speaker signed	2180
Apr.	9	Presented to Governor (4/9)	2190
Apr.	20	Approved by Governor (4/15)	2286

LEGISLATIVE BILL 708. By Ashford

Jan.	8	Title	56
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 710. By Ashford

Jan.	8	Title	56
Feb.	7	Committee AM0740 p. 1105, First Session, adopted. Advanced for Review	736
Feb.	12	Placed on Select File - AM5255	813
Mar.	5	Ashford AM3249 printed	1165
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 711. By Ashford

Jan.	8	Title	57
Jan.	23	Passed over	458
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 717. By Schmit

Jan.	8	Title	57
Feb.	12	Indefinitely postponed	791

LEGISLATIVE BILL 718. By Schmit

Jan.	8	Title	57
Jan.	9	Committee AM0425 p. 835, First Session, adopted as amended by R. Johnson pending AM1519 p. 1867, First Session, and R. Johnson AM2371. R. Johnson pending AM1710 p. 2201,	

		AM1454 p. 1806, and R. Johnson et al AM1455 p. 1825, First Session, withdrawn. Advanced for Review	198
Jan.	14	Placed on Select File - AM5186	291
Jan.	16	Schellpeper AM2412 printed	329
Jan.	27	AM5186 (E & R) adopted. Smith pending AM1627 p. 2528 and AM2239 p. 2740, First Session, withdrawn. Schellpeper pending AM2412 p. 329 and Schmit AM2402 adopted. Schmit AM2468 adopted as amended by Schmit FA239. Advanced for Engrossment	500
Jan.	31	Correctly Engrossed	586
Jan.	31	ER7127 change	587
Feb.	6	Will FA258 printed	690
Apr.	8	Abboud AM4125 printed	2104
Apr.	13	Will pending FA258 p. 690 and Abboud pending AM4125 p. 2104 withdrawn. Final Reading w/E 33-13-3	2225
Apr.	13	President signed	2231
Apr.	14	Presented to Governor (4/13)	2238
Apr.	14	Returned by Governor without approval (4/14)	2277
Apr.	14	Will motion to override veto prevailed 30-16-3	2281
Apr.	14	Communication	2283
Apr.	14	Certificate	2284
Apr.	20	Message from Secretary of State. Certificate	2294

LEGISLATIVE BILL 718A. By Schmit

Jan.	8	Title	57
Jan.	9	Advanced for Review	199
Jan.	14	Placed on Select File - AM5187	292
Jan.	27	AM5187 (E & R) adopted. Schmit AM2545 adopted. Advanced for Engrossment	505
Jan.	31	Correctly Engrossed	586
Jan.	31	ER7128 change	588
Apr.	13	Final Reading w/E 36-4-9	2230
Apr.	13	President signed	2231
Apr.	14	Presented to Governor (4/13)	2238
Apr.	14	Returned by Governor without approval (4/14)	2277
Apr.	14	Will motion to override veto prevailed 32-14-3	2282
Apr.	14	Communication	2283
Apr.	14	Certificate	2284
Apr.	20	Message from Secretary of State. Certificate	2294

LEGISLATIVE BILL 719. By Withem, Lamb

Jan.	8	Title	57
Mar.	31	Lamb AM3690 printed	1726
Apr.	1	Lamb AM3762 printed	1788
Apr.	1	Baack AM3905 to AM3762 printed	1824
Apr.	1	Wickersham AM3891 printed	1833
Apr.	1	Warner-Dierks AM3912 (on file) printed	1850
Apr.	2	Lamb pending AM3690 p. 1726 withdrawn. Lamb motion to suspend rules to consider AM3762 prevailed. Bernard-Stevens request for division of question on Lamb AM3762 sustained. Lamb FA355 pending. Hall FA357 to FA355 lost	1855
Apr.	2	Hall FA358 to FA355 lost. Lamb pending FA355 p. 1856 and FA354 adopted. Lamb FA356 pending	1862
Apr.	7	Lynch AM3712 printed	2018
Apr.	8	Lamb pending FA356 p. 1866 adopted. Wickersham pending AM3891 p. 1833 and Warner-Dierks pending AM3912 p. 1850 withdrawn. Conway AM3932 pending	2077
Apr.	8	Beutler pending AM1406 p. 1761 and AM1430 p. 2185, First Session, withdrawn	2092
Apr.	8	Conway pending AM3932 p. 2079 lost as amended by Conway AM4256. Lynch pending AM3712 p. 2018 adopted. Robinson FA384 lost. Lindsay FA385 pending	2093
Apr.	8	Lindsay pending FA385 p. 2097 lost. Withem motion to reconsider FA356 p. 1866 withdrawn. Baack motion to reconsider FA385 prevailed. Lindsay reconsidered FA385 p. 2097 adopted. Ashford AM4270 ruled germane and lost. Advanced for Engrossment	2097
Apr.	9	Correctly Engrossed. ER7171 change	2142
Apr.	14	Baack motion to suspend rules prevailed	2239
Apr.	14	Final Reading 40-9-0	2249
Apr.	14	President signed	2259
Apr.	14	Presented to Governor (4/14)	2261
Apr.	20	Approved by Governor (4/17)	2293

(Provisions/portions of LB 551 amended into LB 719 by AM3712)
(Provisions/portions of LB 1125 amended into LB 719 by FA356)
(Provisions/portions of LB 1194 amended into LB 719 by FA354)
(Provisions/portions of LB 1238 amended into LB 719 by FA355)

LEGISLATIVE BILL 719A. By Withem

Jan.	8	Title	57
Mar.	31	Hefner-Lamb-Schellpeper AM3777 printed	1740
Mar.	31	Warner-Withem AM3798 printed separate	1744
Mar.	31	Warner-Withem AM3834 printed	1759
Apr.	1	Lindsay AM3839 to AM3798 printed	1800
Apr.	1	Warner-Withem AM3914 printed	1823
Apr.	1	Crosby AM3908 to AM3798 printed	1830
Apr.	1	Moore AM3918 to AM3834 printed	1841
Apr.	2	Lamb AM3935 to AM3798 printed	1882
Apr.	3	Hefner motion to suspend rules to permit consideration of AM3777 prevailed. Hefner et al pending AM3777 p. 1740 adopted. Warner motion to suspend rules to permit consideration of AM3798 prevailed. Warner-Withem pending AM3798 p. 1744 pending. Lindsay pending AM3839 p. 1800, Crosby pending AM3908 p. 1830, and Landis AM3922 to AM3798 adopted. Pending	1906
Apr.	3	L. Johnson AM3924 to AM3798 adopted. Schmit AM3936 and AM3937 to AM3798 lost. Lamb pending AM3935 p. 1882 withdrawn. Pending	1923
Apr.	3	Robinson AM4008 to AM3798 adopted. Hall AM4001 (on file) sustained division of question. Hall FA363 (on file) to AM3798 adopted. Hall FA364 (on file) and Cudaback AM3987 withdrawn. Warner-Withem pending AM3798 p. 1744 adopted as amended. Pending	1931
Apr.	3	Warner-Withem pending AM3834 p. 1759 pending. Moore AM3918 p. 1841 to AM3834 lost	1935
Apr.	3	Wickersham-Nelson FA365 printed	1940
Apr.	3	Wesely AM4030 to AM3798 printed	1942
Apr.	6	Wickersham AM3988, Moore AM4021 and Schmit-Hefner AM4014 lost. Warner-Withem pending AM3834 p. 1759 adopted. Warner-Withem request to substitute amendment prevailed. Warner-Withem pending AM3914 p. 1823 withdrawn. Warner substitute AM4010 adopted. Pending	1952
Apr.	6	Nelson-Wickersham pending FA365 p. 1940 and Warner AM4044 adopted.	

		Advanced for Engrossment	1962
Apr.	7	Correctly Engrossed. ER7168 change	2030
Apr.	13	Baack motion to suspend rules prevailed. Wesely motion to return to Select File for pending AM4030 p. 1943 withdrawn. Failed on Final Reading w/E 32-13-4	2213
Apr.	13	Final Reading 32-13-4	2215
Apr.	13	Correctly Enrolled. President signed	2218
Apr.	13	Attorney General's Opinion #92060 to Schmit	2226
Apr.	13	Robinson motion to reconsider vote on Final Reading prevailed. Final Reading w/E 33-9-7	2229
Apr.	13	Correctly Re-Enrolled. President signed	2231
Apr.	14	Presented to Governor (4/13)	2238
Apr.	20	Approved by Governor (4/15)	2287

(Provisions/portions of LB 897 amended into LB 719A by FA363)
(Provisions/portions of LB 996 amended into LB 719A by AM4008)
(Provisions/portions of LB 997 amended into LB 719A by AM3908)
(Provisions/portions of LB 1269 amended into LB 719A by FA363)

LEGISLATIVE BILL 722. By Schimek, Conway

Jan.	8	Title	57
Jan.	22	Schimek AM2453 to committee AM0340 printed	430
Jan.	23	Committee AM0340 p. 734, First Session, adopted. Advanced for Review	464
Jan.	28	Placed on Select File	535
Feb.	13	Schimek pending AM2453 p. 430 adopted. Advanced for Engrossment	846
Feb.	19	Correctly Engrossed. ER7143 change	908
Feb.	26	Final Reading 40-0-9	1004
Feb.	26	Speaker signed	1008
Feb.	26	Presented to Governor (2/26)	1023
Mar.	3	Approved by Governor (2/28)	1068

LEGISLATIVE BILL 723. By Conway, Bernard-Stevens

Jan.	8	Title	57
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 725. By Conway

Jan.	8	Title	58
Feb.	11	Placed on General File - Com AM2539 (printed separate)	783

Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 726. By Ashford

Jan.	8	Title	58
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 728. By Ashford, Rasmussen, Chizek, Will

Jan.	8	Title	58
Jan.	22	Placed on General File - Com AM2403 (printed separate)	426
Feb.	10	Abboud motion to suspend rules laid over	752
Feb.	11	Abboud pending motion p. 752 prevailed. Abboud priority bill	770
Feb.	21	Abboud name added	950
Mar.	24	Landis-Kristensen AM3577 to committee AM2403 printed	1574
Mar.	25	Ashford request for division of question on AM3577 p. 1574 sustained. Landis-Kristensen FA332 to committee AM2403 adopted. Landis-Kristensen FA333 to committee AM2403 pending	1595
Mar.	25	Landis-Kristensen pending FA333 p. 1598 and Chambers FA335 to committee AM2403 adopted. Chambers FA334 lost. Committee AM2403 adopted as amended. Pending	1607
Mar.	26	Ashford AM3746 adopted. Advanced for Review	1638
Mar.	31	Placed on Select File - AM5285 (printed separate)	1769
Apr.	2	Crosby AM3902 to AM5285 printed	1883
Apr.	9	AM5285 (E & R) adopted. Crosby pending AM3902 p. 1883 withdrawn. Passed over	2153
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 730. By Elmer

Jan.	8	Title	58
Jan.	22	Indefinitely postponed	427

LEGISLATIVE BILL 733. By Hall

Jan.	8	Title	58
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 734. By Hall

Jan.	8	Title	58
Jan.	23	Advanced for Review	457
Jan.	28	Placed on Select File	524
Feb.	13	Hall AM2687 (on file) withdrawn. Advanced for Engrossment	850
Feb.	19	Correctly Engrossed	908
Apr.	9	Final Reading 43-0-6	2173
Apr.	9	Speaker signed	2180
Apr.	9	Presented to Governor (4/9)	2190
Apr.	20	Approved by Governor (4/15)	2286

LEGISLATIVE BILL 734A. By Hall

Feb.	24	Read first time. Placed on General File	966
Feb.	27	Advanced for Review	1031
Mar.	3	Placed on Select File	1067
Mar.	6	Advanced for Engrossment	1182
Mar.	9	Correctly Engrossed	1213
Apr.	9	Final Reading 43-0-6	2174
Apr.	9	Speaker signed	2180
Apr.	9	Presented to Governor (4/9)	2190
Apr.	20	Approved by Governor (4/15)	2286]

LEGISLATIVE BILL 735. By Hall, Chambers

Jan.	8	Title	58
Feb.	11	Placed on General File	770
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 735A. By Hall

Feb.	24	Read first time. Placed on General File	966
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 736. By Hall

Jan.	8	Title	58
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 739. By Hall

Jan.	8	Title	59
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 743. By Schmit, Labedz, Lynch, Nelson, Smith

Jan.	8	Title	59
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 744. By Schmit, Warner, Lynch, Nelson, Smith

Jan.	8	Title	59
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 746. By Urban Affairs Committee

Jan.	8	Title	59
Jan.	31	Speaker Baack priority bill	588
Feb.	10	Committee AM0239 p. 638, First Session, adopted. Advanced for Review	750
Feb.	18	Placed on Select File - AM5262	855
Mar.	5	AM5262 (E & R) adopted. Will AM3273 adopted. Advanced for Engrossment	1154
Mar.	9	Correctly Engrossed. ER7155 change	1213
Mar.	12	Final Reading w/E 38-0-11	1307
Mar.	12	President signed	1323
Mar.	17	Presented to Governor (3/12)	1335
Mar.	18	Approved by Governor (3/18)	1396

(Provisions/portions of LB 307 amended into LB 746 by AM3273)

LEGISLATIVE BILL 747. By Natural Resources Committee

Jan.	8	Title	59
Jan.	22	Indefinitely postponed	427

LEGISLATIVE BILL 748. By Natural Resources Committee

Jan.	8	Title	59
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 749. By Schmit

Jan.	8	Title	60
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 749A. By Schmit

Jan.	8	Title	60
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 750. By Schmit

Jan.	8	Title	60
Jan.	22	Indefinitely postponed	427

LEGISLATIVE BILL 751. By Schmit

Jan.	8	Title	60
Jan.	23	Indefinitely postponed	451

LEGISLATIVE BILL 753. By Ashford, Labedz

Jan.	8	Title	60
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 754. By Schmit, Schrock

Jan.	8	Title	60
Mar.	20	Schmit AM3587 printed	1466
Mar.	23	Wehrbein-Schmit-Bohlke AM3646 printed separate	1528
Mar.	26	Lynch AM3747 to AM3646 printed	1635
Apr.	2	Schmit-Wehrbein AM3910 (on file) printed	1861
Apr.	2	Wehrbein AM3930 to AM3910 printed	1883
Apr.	7	Kristensen pending AM1378 p. 1745, R. Johnson pending AM1472 p. 2003, Warner pending AM1527 p. 2107, and Coordsen pending AM1832 p. 2160, First Session, withdrawn. Schmit pending AM3587 p. 1466, Wehrbein et al pending AM3646 p. 1528, Lynch pending AM3747 p. 1635, Wesely FA378 and Lynch AM3986 withdrawn. Wehrbein-Schmit pending AM3910 p. 1861 sustained division of question. Wehrbein-Schmit FA379 adopted as amended by Wehrbein pending AM3930 p. 1883. Wehrbein-Schmit FA380 adopted. Advanced for Engrossment	2036
Apr.	8	Correctly Engrossed. ER7169 change	2128
Apr.	13	Baack motion to suspend rules prevailed	2213

Apr.	13	Final Reading w/E 43-0-6	2216
Apr.	13	President signed	2218
Apr.	14	Presented to Governor (4/13)	2238
Apr.	20	Approved by Governor (4/15)	2289

LEGISLATIVE BILL 757. By Banking, Commerce and Insurance Committee

Jan.	8	Title	60
Jan.	23	Advanced for Review	457
Jan.	28	Placed on Select File - AM5221	515
Jan.	28	Landis AM2322 printed (on file)	536
Feb.	3	AM5221 (E & R) adopted. Landis pending AM2322 p. 536 adopted. Advanced for Engrossment	623
Feb.	7	Correctly Engrossed	717
Feb.	7	ER7139 change	718
Feb.	13	Final Reading 44-0-5	834
Feb.	13	Speaker signed	836
Feb.	13	Presented to Governor (2/13)	851
Feb.	19	Approved by Governor (2/18)	890

LEGISLATIVE BILL 758. By Banking, Commerce and Insurance Committee

Jan.	8	Title	61
Jan.	23	Advanced for Review	457
Jan.	28	Placed on Select File - AM5220	519
Feb.	3	AM5220 (E & R) adopted. Advanced for Engrossment	623
Feb.	7	Correctly Engrossed	717
Feb.	13	Final Reading 45-0-4	835
Feb.	13	Speaker signed	836
Feb.	13	Presented to Governor (2/13)	851
Feb.	19	Approved by Governor (2/18)	890

LEGISLATIVE BILL 759. By Banking, Commerce and Insurance Committee

Jan.	8	Title	61
Feb.	7	Committee AM0159 p. 949, First Session, adopted. Advanced for Review	735
Feb.	12	Placed on Select File - AM5249	790
Mar.	31	Landis-Kristensen-Wickersham-Hillman	

		AM3686 (on file) printed	1772
Apr.	8	Conway AM4034 to AM3686 printed	2105
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 761. By Beutler

Jan.	8	Title	61
Jan.	22	Indefinitely postponed	427

LEGISLATIVE BILL 763. By Chambers

Jan.	8	Title	61
Jan.	24	Indefinitely postponed	486

LEGISLATIVE BILL 764. By Schellpeper

Jan.	8	Title	61
Jan.	13	Committee AM0778 p. 1189, First Session, adopted. Advanced for Review	246
Jan.	16	Placed on Select File - AM5191	327
Feb.	6	AM5191 (E & R) adopted. Withem AM2488 and Hartnett AM2782 adopted. Advanced for Engrossment	710
Feb.	10	Correctly Engrossed. ER7142 change	738
Feb.	19	Final Reading w/E 42-0-7	894
Feb.	19	President signed	900
Feb.	19	Presented to Governor (2/19)	902
Feb.	20	Approved by Governor (2/19)	916

(Provisions/portions of LB 968 amended into LB 764 by AM2488)
(Provisions/portions of LB 1036 amended into LB 764 by AM2782)

LEGISLATIVE BILL 765. By Hartnett

Jan.	8	Title	61
Jan.	29	Indefinitely postponed	551

LEGISLATIVE BILL 767. By Hartnett

Jan.	8	Title	61
Jan.	29	Indefinitely postponed	551

LEGISLATIVE BILL 768. By Hartnett

Jan.	8	Title	61
Jan.	22	Indefinitely postponed	427

LEGISLATIVE BILL 770. By Hartnett

Jan.	8	Title	62
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 771. By Hartnett

Jan.	8	Title	62
Feb.	5	Indefinitely postponed	678

LEGISLATIVE BILL 774. By Will

Jan.	8	Title	62
Jan.	22	Indefinitely postponed	427

LEGISLATIVE BILL 775. By Schmit

Jan.	8	Title	62
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 784. By Lamb, Schrock, Elmer

Jan.	8	Title	62
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 785. By Lamb, Wickersham

Jan.	8	Title	62
Jan.	23	Indefinitely postponed	451

LEGISLATIVE BILL 787. By Peterson

Jan.	8	Title	62
Feb.	7	Committee AM0644 p. 1089, First Session, adopted. Advanced for Review	735
Feb.	12	Placed on Select File - AM5251	813
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 788. By Schmit, Rogers, Lamb, Schrock, Conway, Hefner

Jan.	8	Title	63
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 791. By Crosby

Jan.	8	Title	63
Feb.	11	Indefinitely postponed	785

LEGISLATIVE BILL 792. By Crosby

Jan.	8	Title	63
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 799. By Conway, Hillman, Morrissey, Wickersham, Byars, Hefner, Wehrbein, Elmer, Schmit, Schellpeper, Labedz, Baack, R. Johnson

Jan.	8	Title	63
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 800. By Hall

Jan.	8	Title	63
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 801. By Schellpeper, Elmer, Peterson, Robinson, Bernard-Stevens, Abboud, Hefner, Dierks, L. Johnson, Schrock, Moore, Haberman, Robak, Rogers, Byars, Smith, Coordsen, Lamb, Beyer, Kristensen, R. Johnson, Wickersham, Hillman

Jan.	8	Title	63
Jan.	17	Indefinitely postponed	368

LEGISLATIVE BILL 802. By Schellpeper

Jan.	8	Title	64
Feb.	21	Speaker's priority bill	948
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 804. By Hartnett, Will

Jan.	8	Title	64
Feb.	18	Indefinitely postponed	887

LEGISLATIVE BILL 805. By Hall, Will, Bernard-Stevens

Jan.	8	Title	64
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 806. By Abboud

Jan.	8	Title	64
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 807. By Abboud

Jan.	8	Title	64
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 809. By Abboud

Jan.	8	Title	64
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 811. By Abboud, Lindsay

Jan.	8	Title	64
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 812. By Abboud

Jan.	8	Title	65
Feb.	6	Abboud priority bill	685
Feb.	10	Abboud motion to suspend rules to withdraw priority bill laid over	752
Feb.	11	Abboud pending motion p. 752 prevailed. Priority bill withdrawn	770
Apr.	18	Indefinitely postponed	2284

LEGISLATIVE BILL 814. By Schmit, Labedz, Baack, Warner, Lynch, Crosby, Robak, Chambers

Jan.	8	Title	65
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 815. By Chambers

Jan.	8	Title	65
Jan.	17	Indefinitely postponed	368

LEGISLATIVE BILL 816. By Chambers

Jan.	8	Title	65
Jan.	14	Advanced for Review	290
Jan.	17	Placed on Select File - AM5198	372
Jan.	27	AM5198 (E & R) adopted. Advanced for Engrossment	507
Jan.	31	Correctly Engrossed	586
Feb.	6	Final Reading 27-6-16	686
Feb.	6	Speaker signed	689
Feb.	6	Presented to Governor (2/6)	706
Feb.	10	Approved by Governor (2/7)	745
Feb.	13	Pirsch explanation of vote	852

LEGISLATIVE BILL 818. By Beutler, Landis, Wickersham, Bernard-Stevens, Rasmussen, Morrissey, Ashford, Schimek

Jan.	8	Title	65
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 819. By Will

Jan.	8	Title	65
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 821. By Abboud, Nelson, Crosby, Ashford

Jan.	8	Title	65
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 822. By Wesely, Smith

Jan.	8	Title	65
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 823. By Lynch, Hall

Jan.	8	Title	66
Jan.	16	Lynch AM2424 printed	340
Jan.	17	Committee AM0218 p. 735, First Session, adopted. Lynch pending AM2424 p. 340 adopted. Advanced for Review	364
Jan.	23	Placed on Select File - AM5211	451
Jan.	30	Lynch AM2473 to AM5211 printed	579
Feb.	7	Wesely AM2795 to AM5211 printed	734
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 823A. By Lynch

Jan.	8	Title	66
Jan.	17	Lynch AM2426 adopted. Advanced for Review	364
Jan.	23	Placed on Select File - AM5209	454
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 824. By Wesely

Jan.	8	Title	66
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 826. By Crosby, Wesely

Jan.	8	Title	66
Feb.	3	Indefinitely postponed	634

LEGISLATIVE BILL 827. By R. Johnson, Morrissey, Schmit

Jan.	8	Title	66
Mar.	26	Kristensen AM2316 to AM5140 p. 1968, First Session, printed	1666
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 827A. By R. Johnson

Jan.	8	Title	66
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 828. By Wesely, Warner

Jan.	8	Title	66
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 832. By Wesely

Jan.	8	Title	66
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 833. By Wesely

Jan.	8	Title	67
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 834. By Wesely

Jan.	8	Title	67
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 835. By Wesely

Jan.	8	Title	67
Feb.	20	Lynch priority bill	923
Feb.	25	Lynch name added	1000
Mar.	12	Abboud-Lindsay AM3463 printed	1324
Mar.	18	Committee AM0874 p. 1225, First Session, adopted as amended by Abboud-Lindsay pending AM3463 p. 1324. Advanced for Review	1410
Mar.	23	Placed on Select File - AM5274	1506
Mar.	25	Kristensen AM3657 printed	1618
Mar.	31	Lynch AM3816 to AM3463 printed	1772
Apr.	1	Wesely AM3876 printed	1835
Apr.	1	Kristensen AM3872 printed	1843
Apr.	7	Landis-Wesely-Kristensen-Lynch AM4166 printed	2051
Apr.	8	AM5274 (E & R) adopted. Kristensen pending AM3657 p. 1618 and AM3872 p. 1843, Lynch pending AM3816 p. 1772 and Wesely pending AM3876 p. 1835 withdrawn. Landis et al AM4166 p. 2051 adopted. Advanced for Engrossment	2129
Apr.	9	Correctly Engrossed	2188
Apr.	9	ER7172 change	2189
Apr.	14	Baack motion to suspend rules prevailed	2239
Apr.	14	Final Reading w/E 44-0-5	2250
Apr.	14	President signed	2259
Apr.	14	Presented to Governor (4/14)	2261
Apr.	20	Approved by Governor (4/17)	2292

(Provisions/portions of LB 978 amended into LB 835 by AM4166)
(Provisions/portions of LB 1220 amended into LB 835 by AM4166)

LEGISLATIVE BILL 835A. By Wesely

Jan.	8	Title	67
Mar.	18	Advanced for Review	1411
Mar.	23	Placed on Select File - AM5275	1506
Apr.	8	AM5275 (E & R) adopted. Morrissey motion	

		to indefinitely postpone withdrawn. Beutler AM4295 (on file) ruled not germane. Beutler challenge of Chair pending. Robak motion to bracket until 4/15/92 lost	2130
Apr.	8	Beutler challenge of Chair prevailed. Conway request for division of question sustained on AM4295. Pending	2132
Apr.	9	Beutler challenge of Chair (on AM4295) lost. Pending	2143
Apr.	9	Moore motion to bracket until 4/15/92 withdrawn. Bracketed until 4/15/92	2144
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 839. By R. Johnson, at the request of the Governor

Jan.	8	Title	67
Feb.	13	Indefinitely postponed	850

LEGISLATIVE BILL 848. By Speaker Baack, at request of Governor

Jan.	8	Title	67
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 849A. By Will

Jan.	8	Title	67
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 858. By Executive Board

Jan.	8	Read first time	129
Jan.	9	Placed on General File	167
Jan.	13	Advanced for Review	242
Jan.	15	Placed on Select File - AM5188	306
Jan.	27	AM5188 (E & R) adopted. Advanced for Engrossment	495
Jan.	30	Correctly Engrossed	567
Jan.	30	ER7126 change	568
Feb.	4	Final Reading 36-0-13	644
Feb.	4	Speaker signed	653
Feb.	4	Presented to Governor (2/4)	658
Feb.	10	Approved by Governor (2/7)	745

LEGISLATIVE BILL 859. By Executive Board

Jan.	8	Read first time	129
Jan.	9	Placed on General File	167
Jan.	13	Advanced for Review	242
Jan.	15	Placed on Select File	307
Jan.	27	Advanced for Engrossment	495
Jan.	30	Correctly Engrossed	567
Feb.	4	Final Reading 36-0-13	645
Feb.	4	Speaker signed	653
Feb.	4	Presented to Governor (2/4)	658
Feb.	10	Approved by Governor (2/7)	745

LEGISLATIVE BILL 860. By Executive Board

Jan.	8	Read first time	129
Jan.	9	Placed on General File	167
Jan.	13	Advanced for Review	242
Jan.	15	Placed on Select File	307
Jan.	27	Advanced for Engrossment	495
Jan.	30	Correctly Engrossed	567
Feb.	4	Final Reading 37-0-12	646
Feb.	4	Speaker signed	653
Feb.	4	Presented to Governor (2/4)	658
Feb.	10	Approved by Governor (2/7)	745

LEGISLATIVE BILL 861. By Executive Board

Jan.	8	Read first time	129
Jan.	9	Placed on General File	167
Jan.	13	Advanced for Review	242
Jan.	15	Placed on Select File - AM5189	307
Jan.	27	AM5189 (E & R) adopted. Advanced for Engrossment	495
Jan.	30	Correctly Engrossed	567
Feb.	4	Final Reading 39-0-10	647
Feb.	4	Speaker signed	653
Feb.	4	Presented to Governor (2/4)	658
Feb.	10	Approved by Governor (2/7)	745

LEGISLATIVE BILL 862. By Executive Board

Jan.	8	Read first time	129
Jan.	9	Placed on General File	167
Jan.	13	Advanced for Review	243

Jan.	15	Placed on Select File	315
Jan.	27	Advanced for Engrossment	495
Jan.	30	Correctly Engrossed	570
Feb.	4	Final Reading 39-0-10	648
Feb.	4	Speaker signed	653
Feb.	4	Presented to Governor (2/4)	658
Feb.	10	Approved by Governor (2/7)	745

LEGISLATIVE BILL 863. By Executive Board

Jan.	8	Read first time	130
Jan.	9	Placed on General File	167
Jan.	13	Advanced for Review	243
Jan.	15	Placed on Select File	315
Jan.	27	Advanced for Engrossment	495
Jan.	30	Correctly Engrossed	570
Feb.	4	Final Reading 38-0-11	648
Feb.	4	Speaker signed	653
Feb.	4	Presented to Governor (2/4)	658
Feb.	10	Approved by Governor (2/7)	745

LEGISLATIVE BILL 864. By Executive Board

Jan.	8	Read first time	130
Jan.	9	Placed on General File	167
Jan.	13	Advanced for Review	243
Jan.	15	Placed on Select File	315
Jan.	27	Advanced for Engrossment	495
Jan.	30	Correctly Engrossed	570
Feb.	4	Final Reading 40-0-9	649
Feb.	4	Speaker signed	653
Feb.	4	Presented to Governor (2/4)	658
Feb.	10	Approved by Governor (2/7)	745

LEGISLATIVE BILL 865. By Executive Board

Jan.	8	Read first time	130
Jan.	9	Placed on General File	167
Jan.	13	Advanced for Review	243
Jan.	15	Placed on Select File	315
Jan.	27	Advanced for Engrossment	495
Jan.	30	Correctly Engrossed	570
Feb.	4	Final Reading 41-0-8	650
Feb.	4	Speaker signed	653

Feb.	4	Presented to Governor (2/4)	658
Feb.	10	Approved by Governor (2/7)	745

LEGISLATIVE BILL 866. By Executive Board

Jan.	8	Read first time	130
Jan.	9	Placed on General File	167
Jan.	13	Advanced for Review	243
Jan.	15	Placed on Select File	315
Jan.	27	Advanced for Engrossment	495
Jan.	30	Correctly Engrossed	570
Feb.	4	Final Reading 41-0-8	651
Feb.	4	Speaker signed	653
Feb.	4	Presented to Governor (2/4)	658
Feb.	10	Approved by Governor (2/7)	745

LEGISLATIVE BILL 867. By Executive Board

Jan.	8	Read first time	130
Jan.	9	Placed on General File	167
Jan.	13	Advanced for Review	243
Jan.	15	Placed on Select File	315
Jan.	27	Advanced for Engrossment	495
Jan.	30	Correctly Engrossed	570
Feb.	4	Final Reading 39-0-10	651
Feb.	4	Speaker signed	653
Feb.	4	Presented to Governor (2/4)	658
Feb.	10	Approved by Governor (2/7)	745

LEGISLATIVE BILL 868. By Executive Board

Jan.	8	Read first time	130
Jan.	9	Placed on General File	167
Jan.	13	Advanced for Review	243
Jan.	15	Placed on Select File	315
Jan.	27	Advanced for Engrossment	495
Jan.	30	Correctly Engrossed	570
Feb.	4	Final Reading 37-0-12	652
Feb.	4	Speaker signed	653
Feb.	4	Presented to Governor (2/4)	658
Feb.	10	Approved by Governor (2/7)	745

LEGISLATIVE BILL 869. By Executive Board

Jan.	8	Read first time	131
Jan.	9	Placed on General File	167
Jan.	13	Advanced for Review	243
Jan.	15	Placed on Select File	315
Jan.	27	Advanced for Engrossment	495
Jan.	31	Correctly Engrossed	586
Jan.	31	ER7131 change	588
Feb.	6	Final Reading 38-0-11	687
Feb.	6	Speaker signed	689
Feb.	6	Presented to Governor (2/6)	706
Feb.	10	Approved by Governor (2/7)	745

LEGISLATIVE BILL 870. By Executive Board

Jan.	8	Read first time	131
Jan.	9	Placed on General File	167
Jan.	13	Advanced for Review	243
Jan.	15	Placed on Select File	315
Jan.	27	Advanced for Engrossment	495
Jan.	31	Correctly Engrossed	586
Feb.	6	Final Reading 38-0-11	688
Feb.	6	Speaker signed	689
Feb.	6	Presented to Governor (2/6)	706
Feb.	10	Approved by Governor (2/7)	745

LEGISLATIVE BILL 871. By Executive Board

Jan.	8	Read first time	131
Jan.	9	Placed on General File	167
Jan.	13	Advanced for Review	244
Jan.	16	Placed on Select File	322
Jan.	27	Advanced for Engrossment	495
Jan.	31	Correctly Engrossed	586
Feb.	7	Final Reading w/E 33-0-16	721
Feb.	7	President signed	728
Feb.	7	Presented to Governor (2/7)	733
Feb.	12	Approved by Governor (2/11)	791

LEGISLATIVE BILL 872. By Hefner

Jan.	8	Read first time	131
Jan.	8	Hartnett, Dierks, Lynch, Wickersham, Haberman, Schellpeper, Peterson, Baack, Wehrbein, Robinson, and Byars names added	165
Jan.	9	Referred to Committee on Judiciary	167

Jan.	9	Pirsch, Morrissey, and Conway names added	193
Jan.	9	Elmer name added	204
Jan.	10	Hefner priority bill	230
Jan.	13	Coordsen, Nelson and Labedz names added	254
Jan.	13	Abboud name added	280
Jan.	15	Lamb name added	320
Jan.	28	Notice of hearing (2/20)	527
Feb.	20	Attorney General's Opinion #92024 to Hefner	911
Mar.	4	Placed on General File - Com AM3127	1129
Mar.	18	Committee AM3127 adopted. Advanced for Review	1392
Mar.	18	Kristensen explanation of vote	1399
Mar.	18	Morrissey explanation of vote	1407
Mar.	20	Placed on Select File - AM5273	1470
Mar.	25	AM5273 (E & R) adopted. Advanced for Engrossment	1581
Mar.	31	Correctly Engrossed	1720
Apr.	7	Final Reading w/E 38-0-11	2002
Apr.	7	President signed	2005
Apr.	7	Wickersham explanation of vote. Presented to Governor (4/7)	2014
Apr.	13	Approved by Governor (4/13)	2218

LEGISLATIVE BILL 873. By Hefner

Jan.	8	Read first time	132
Jan.	9	Referred to Committee on Transportation	167
Jan.	13	Notice of hearing (1/21)	263
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 874. By Hefner

Jan.	8	Read first time	132
Jan.	9	Referred to Committee on Judiciary	167
Jan.	10	Schrock name added	230
Jan.	28	Notice of hearing (2/20)	526
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 875. By Hefner

Jan.	8	Read first time	132
Jan.	9	Referred to Committee on Judiciary	167
Jan.	28	Notice of hearing (2/12)	526
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 876. By Coordsen

Jan.	8	Read first time	132
Jan.	9	Referred to Committee on Business and Labor	167
Jan.	27	Notice of hearing (2/3)	491
Feb.	5	Placed on General File	663
Feb.	20	Business and Labor Committee priority bill	928
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 877. By Coordsen

Jan.	8	Read first time	132
Jan.	9	Referred to Committee on Business and Labor	167
Jan.	14	Notice of hearing (1/27)	303
Jan.	30	Placed on General File	568
Feb.	7	Advanced for Review	731
Feb.	11	Placed on Select File	765
Feb.	18	Advanced for Engrossment	872
Feb.	20	Correctly Engrossed	921
Apr.	9	Final Reading w/E 44-0-5	2175
Apr.	9	Speaker signed	2180
Apr.	9	Presented to Governor (4/9)	2190
Apr.	20	Approved by Governor (4/15)	2286

LEGISLATIVE BILL 877A. By Coordsen

Feb.	4	Read first time. Placed on General File	643
Feb.	7	Advanced for Review	731
Feb.	11	Placed on Select File - AM5247	765
Feb.	18	AM5247 (E & R) adopted. Advanced for Engrossment	872
Feb.	20	Correctly Engrossed	921
Apr.	9	Final Reading w/E 44-0-5	2176
Apr.	9	Speaker signed	2180
Apr.	9	Presented to Governor (4/9)	2190
Apr.	20	Approved by Governor (4/15)	2286

LEGISLATIVE BILL 878. By Coordsen

Jan.	8	Read first time	132
Jan.	9	Referred to Committee on Business and Labor	167
Jan.	14	Notice of hearing (1/27)	303
Jan.	30	Placed on General File	568
Feb.	7	Advanced for Review	731
Feb.	11	Placed on Select File	765

Feb.	18	Advanced for Engrossment	872
Feb.	20	Correctly Engrossed	921
Mar.	3	Final Reading 41-0-8	1071
Mar.	3	President signed	1075
Mar.	3	Presented to Governor (3/3)	1078
Mar.	4	Approved by Governor (3/4)	1151

LEGISLATIVE BILL 879. By Coordsen

Jan.	8	Read first time	133
Jan.	9	Referred to Committee on Business and Labor	167
Jan.	14	Notice of hearing (1/27)	303
Jan.	30	Placed on General File	568
Feb.	7	Advanced for Review	731
Feb.	12	Placed on Select File	789
Feb.	18	Advanced for Engrossment	872
Feb.	20	Correctly Engrossed	921
Mar.	3	Final Reading 42-0-7	1072
Mar.	3	President signed	1075
Mar.	3	Presented to Governor (3/3)	1078
Mar.	4	Approved by Governor (3/4)	1151

LEGISLATIVE BILL 880. By Hefner

Jan.	8	Read first time	133
Jan.	9	Referred to Committee on Judiciary	194
Jan.	28	Notice of hearing (2/20)	526
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 881. By Coordsen

Jan.	8	Read first time	133
Jan.	9	Beutler name added	177
Jan.	9	Referred to Committee on Natural Resources	194
Jan.	14	Notice of hearing (1/24)	294
Feb.	25	Indefinitely postponed	977

LEGISLATIVE BILL 882. By Coordsen, Hefner

Jan.	8	Read first time	133
Jan.	9	Referred to Committee on Business and Labor	194
Jan.	27	Notice of hearing (2/10)	491
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 883. By Lamb

Jan.	8	Read first time	133
Jan.	9	Referred to Committee on Revenue	194
Jan.	22	Notice of hearing (1/30)	429
Feb.	25	Indefinitely postponed	992

LEGISLATIVE BILL 884. By Rogers

Jan.	8	Read first time	134
Jan.	9	Referred to Committee on Government, Military and Veterans Affairs	194
Jan.	21	Notice of hearing (1/30)	388
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 885. By Rogers

Jan.	8	Read first time	134
Jan.	9	Referred to Committee on Government, Military and Veterans Affairs	194
Jan.	21	Notice of hearing (1/30)	388
Feb.	20	Indefinitely postponed	925

LEGISLATIVE BILL 886. By R. Johnson

Jan.	8	Read first time	134
Jan.	9	Referred to Committee on Nebraska Retirement Systems	194
Jan.	21	Notice of hearing (2/13)	383
Feb.	25	Indefinitely postponed	985

LEGISLATIVE BILL 887. By R. Johnson

Jan.	8	Read first time	134
Jan.	9	Referred to Committee on Natural Resources	194
Jan.	14	Notice of hearing (1/23)	293
Jan.	24	Placed on General File - Com AM2392	478
Jan.	27	Correction	490
Feb.	27	Warner AM3026 printed	1028
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 888. By R. Johnson

Jan.	8	Read first time	134
Jan.	9	Referred to Committee on Natural Resources	195

Jan.	22	Notice of hearing (1/30)	428
Feb.	25	Indefinitely postponed	977

LEGISLATIVE BILL 889. By R. Johnson

Jan.	8	Read first time	135
Jan.	9	Referred to Committee on Natural Resources	195
Jan.	22	Notice of hearing (1/30)	428
Feb.	25	Indefinitely postponed	977

LEGISLATIVE BILL 890. By R. Johnson

Jan.	8	Read first time	135
Jan.	9	Referred to Committee on Natural Resources	195
Jan.	14	Notice of hearing (1/22)	293
Jan.	23	Placed on General File	462
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 891. By R. Johnson

Jan.	8	Read first time	135
Jan.	9	Referred to Committee on Natural Resources	195
Jan.	28	Notice of hearing (2/12)	515
Feb.	13	Indefinitely postponed	850

LEGISLATIVE BILL 892. By R. Johnson

Jan.	8	Read first time	135
Jan.	9	Referred to Committee on Natural Resources	195
Jan.	28	Notice of hearing (2/12)	515
Feb.	13	Indefinitely postponed	850

LEGISLATIVE BILL 893. By R. Johnson

Jan.	8	Read first time	135
Jan.	9	Referred to Committee on Natural Resources	195
Jan.	22	Notice of hearing (1/30)	428
Feb.	25	Indefinitely postponed	977

LEGISLATIVE BILL 894. By Withem

Jan.	8	Read first time	136
Jan.	9	Referred to Committee on Judiciary	195
Jan.	22	Notice of hearing (1/29)	428
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 895. By Withem

Jan.	8	Read first time	136
Jan.	9	Referred to Committee on Judiciary	195
Jan.	28	Notice of hearing (2/13)	526
Feb.	19	Placed on General File	896
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 896. By Withem

Jan.	8	Read first time	136
Jan.	9	Referred to Committee on Judiciary	195
Jan.	22	Notice of hearing (1/29)	428
Jan.	31	Placed on General File	604
Feb.	20	Judiciary Committee priority bill	923
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 896A. By Withem

Feb.	11	Read first time. Placed on General File	782
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 897. By Warner

Jan.	8	Read first time	136
Jan.	9	Referred to Committee on Revenue	195
Jan.	22	Notice of hearing (1/29)	429
Feb.	12	Placed on General File	820
Apr.	14	Indefinitely postponed	2284

(Provisions/portions of LB 897 amended into LB 719A by FA363)

LEGISLATIVE BILL 897A. By Warner

Feb.	24	Read first time. Placed on General File	966
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 898. By Warner

Jan.	8	Read first time	136
Jan.	9	Referred to Committee on Government, Military and Veterans Affairs	195
Jan.	16	Notice of hearing (1/24)	335
Jan.	31	Placed on General File - Com AM2569	593
Jan.	31	Speaker Baack priority bill	614

Feb.	4	Lynch AM2629 to committee AM2569 printed	658
Feb.	10	Committee AM2569 adopted. Lynch pending AM2629 p. 658 lost. Advanced for Review	753
Feb.	18	Placed on Select File - AM5256	859
Mar.	5	AM5256 (E & R) adopted. Beutler FA292 lost. Advanced for Engrossment	1155
Mar.	9	Correctly Engrossed	1213
Mar.	12	Final Reading 35-0-14	1305
Mar.	12	President signed	1323
Mar.	17	Presented to Governor (3/12)	1335
Mar.	18	Approved by Governor (3/18)	1410

LEGISLATIVE BILL 899. By Kristensen

Jan.	8	Read first time	136
Jan.	9	Referred to Committee on Transportation	195
Jan.	13	Wickersham name added	254
Jan.	13	Notice of hearing (1/21)	263
Jan.	23	Placed on General File	451
Feb.	7	Lamb FA260 pending	728
Feb.	20	Kristensen priority bill	918
Apr.	7	Lamb pending FA260 p. 728 withdrawn. Lamb-Wickersham-Kristensen AM4126 adopted. Advanced for Review	2034
Apr.	8	Placed on Select File	2092
Apr.	9	Advanced for Engrossment	2141
Apr.	9	Correctly Engrossed	2188
Apr.	14	Baack motion to suspend rules prevailed	2239
Apr.	14	Final Reading 46-1-2	2251
Apr.	14	President signed	2259
Apr.	14	Presented to Governor (4/14)	2261
Apr.	20	Approved by Governor (4/17)	2293

LEGISLATIVE BILL 900. By Kristensen

Jan.	8	Read first time	137
Jan.	9	Referred to Committee on Government, Military and Veterans Affairs	195
Jan.	21	Notice of hearing (2/5)	388
Feb.	6	Placed on General File	683
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 901. By Kristensen

Jan.	8	Read first time	137
Jan.	9	Referred to Committee on Judiciary	195
Jan.	28	Notice of hearing (2/6)	526
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 902. By Kristensen

Jan.	8	Read first time	137
Jan.	9	Referred to Committee on Judiciary	195
Jan.	16	Notice of hearing (1/23)	343
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 903. By Kristensen

Jan.	8	Read first time	138
Jan.	9	Referred to Committee on Banking, Commerce and Insurance	195
Jan.	14	Notice of hearing (1/21)	289
Feb.	21	Placed on General File - Com AM2873	931
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 904. By Kristensen

Jan.	8	Read first time	138
Jan.	9	Referred to Committee on Banking, Commerce and Insurance	195
Jan.	9	Lindsay name added	204
Jan.	17	Notice of hearing (1/27)	353
Feb.	20	Indefinitely postponed	919

LEGISLATIVE BILL 905. By Landis

Jan.	8	Read first time	138
Jan.	9	Referred to Committee on Judiciary	195
Jan.	15	Notice of hearing (1/22)	315
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 906. By Landis

Jan.	8	Read first time	138
Jan.	9	Referred to Committee on Health and Human Services	195
Jan.	15	Notice of hearing (1/23)	320
Jan.	27	Placed on General File	499
Feb.	7	Dierks AM2811 withdrawn.	

		Advanced for Review	730
Feb.	11	Placed on Select File	764
Feb.	18	Dierks reoffered AM2811 p. 730 adopted. Advanced for Engrossment	871
Feb.	20	Correctly Engrossed	921
Mar.	3	Final Reading 42-0-7	1073
Mar.	3	President signed	1075
Mar.	3	Presented to Governor (3/3)	1078
Mar.	4	Approved by Governor (3/4)	1151

LEGISLATIVE BILL 907. By Landis

Jan.	8	Read first time	138
Jan.	9	Referred to Committee on Banking, Commerce and Insurance	195
Jan.	14	Notice of hearing (1/21)	289
Jan.	23	Placed on General File	462
Feb.	7	Advanced for Review	728
Feb.	11	Placed on Select File - AM5245	761
Feb.	12	Landis AM2415 printed	820
Feb.	13	AM5245 (E & R) adopted. Landis pending AM2415 p. 820 adopted. Advanced for Engrossment	850
Feb.	19	Correctly Engrossed	908
Feb.	27	Final Reading 44-0-5	1031
Feb.	27	Speaker signed	1038
Feb.	27	Presented to Governor (2/27)	1047
Mar.	3	Approved by Governor (2/28)	1068

LEGISLATIVE BILL 908. By Moore

Jan.	8	Read first time	138
Jan.	9	Referred to Committee on Government, Military and Veterans Affairs	195
Jan.	16	Notice of hearing (1/24)	335
Jan.	31	Placed on General File - Com AM2556	613
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 909. By Withem, Hartnett

Jan.	8	Read first time	138
Jan.	9	Referred to Committee on Health and Human Services	195
Jan.	15	Notice of hearing (1/23)	320
Jan.	27	Placed on General File	499

Apr.	14	Indefinitely postponed	2284

(Provisions/portions of LB 909 amended into LB 1019 by FA370)

LEGISLATIVE BILL 910. By Schimek, Morrissey, Withem

Jan.	8	Read first time	139
Jan.	9	Referred to Committee on Government, Military and Veterans Affairs	195
Jan.	16	Notice of hearing (1/23)	335
Jan.	30	Placed on General File	578
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 910A. By Schimek

Feb.	11	Read first time. Placed on General File	782
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 911. By Schimek, Crosby, Dierks

Jan.	8	Read first time	139
Jan.	9	Referred to Committee on Urban Affairs	195
Jan.	13	Notice of hearing (1/21)	249
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 912. By Robinson, Hefner

Jan.	8	Read first time	139
Jan.	9	Referred to Committee on Natural Resources	195
Jan.	14	Notice of hearing (1/23)	293
Jan.	24	Placed on General File - Com AM2442	479
Jan.	27	Correction	490
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 913. By Haberman, Hefner, Elmer, Peterson, Rogers

Jan.	8	Read first time	139
Jan.	9	Referred to Committee on Revenue	195
Jan.	30	Notice of hearing (2/7)	584
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 914. By Lindsay, Pirsch

Jan.	8	Read first time	140
Jan.	9	Referred to Committee on Judiciary	195

Jan.	28	Notice of hearing (2/19	526
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 915. By Lindsay

Jan.	8	Read first time	140
Jan.	9	Referred to Committee on General Affairs	195
Feb.	3	Notice of hearing (2/10)	620
Feb.	21	Placed on General File - Com AM3034	937
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 916. By Natural Resources Committee

Jan.	8	Read first time	140
Jan.	9	Referred to Committee on Natural Resources	195
Jan.	14	Notice of hearing (1/24)	294
Jan.	31	Placed on General File - Com AM2544	609
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 917. By Natural Resources Committee

Jan.	8	Read first time	140
Jan.	9	Referred to Committee on Natural Resources	195
Jan.	14	Notice of hearing (1/24)	294
Feb.	3	Placed on General File - Com AM2682	634
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 918. By Natural Resources Committee

Jan.	8	Read first time	140
Jan.	9	Referred to Committee on Government, Military and Veterans Affairs	195
Jan.	16	Notice of hearing (1/24)	335
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 919. By Wickersham

Jan.	8	Read first time	141
Jan.	9	Referred to Committee on Judiciary	195
Jan.	28	Notice of hearing (2/27	527
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 920. By Baack, Chizek

Jan.	8	Read first time	141
Jan.	9	Referred to Committee on Government, Military and Veterans Affairs	195
Jan.	16	Notice of hearing (1/23)	335
Jan.	30	Indefinitely postponed	578

LEGISLATIVE BILL 921. By Baack

Jan.	8	Read first time	141
Jan.	9	Referred to Committee on Education	195
Jan.	14	Notice of hearing (1/21)	293
Jan.	21	Placed on General File	405
Feb.	7	Advanced for Review	727
Feb.	10	Placed on Select File	740
Feb.	13	Advanced for Engrossment	850
Feb.	19	Correctly Engrossed	908
Feb.	27	Final Reading 46-0-3	1032
Feb.	27	Speaker signed	1038
Feb.	27	Presented to Governor (2/27)	1047
Mar.	3	Approved by Governor (2/28)	1068

LEGISLATIVE BILL 922. By Chambers, Landis, Schimek

Jan.	8	Read first time	141
Jan.	9	Referred to Committee on Education	195
Jan.	16	Nelson name added	348
Jan.	17	Chambers priority bill	349
Jan.	21	Notice of hearing (1/28)	384
Feb.	3	Placed on General File	619
Feb.	11	Beutler AM2868 pending	785
Feb.	11	Beutler pending AM2868 p. 785 adopted. Advanced for Review	786
Feb.	18	Placed on Select File - AM5261	885
Mar.	5	Withem AM3279 printed	1168
Mar.	9	AM5261 (E & R) adopted. Robinson FA301 lost. Withem pending AM3279 p. 1168 adopted. Pending	1210
Mar.	9	Robinson AM3342 to AM3279 and AM3361 printed	1234
Mar.	10	Bernard-Stevens FA305 lost. Pending	1260
Mar.	11	Robinson pending AM3342 and AM3361 p. 1234 withdrawn. Advanced for Engrossment	1282
Mar.	17	Correctly Engrossed	1335
Apr.	7	Failed on Final Reading 21-7-21	2000
Apr.	7	Dierks motion to reconsider Final Reading	

		vote prevailed	2003
Apr.	7	Final Reading 29-10-10	2004
Apr.	7	President signed	2005
Apr.	7	Presented to Governor (4/7)	2014
Apr.	9	Approved by Governor (4/9)	2154

LEGISLATIVE BILL 922A. By Chambers

Feb.	11	Read first time. Placed on General File	788
Feb.	13	Advanced for Review	836
Feb.	18	Placed on Select File	887
Mar.	11	Advanced for Engrossment	1282
Mar.	17	Correctly Engrossed	1335
Apr.	7	Final Reading 36-1-12. President signed	2005
Apr.	7	Presented to Governor (4/7)	2014
Apr.	9	Approved by Governor (4/9)	2154

LEGISLATIVE BILL 923. By Chambers

Jan.	8	Read first time	141
Jan.	9	Referred to Committee on Judiciary	195
Jan.	16	Notice of hearing (1/23)	343
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 924. By Pirsch

Jan.	8	Read first time	142
Jan.	9	Referred to Committee on Revenue	195
Jan.	16	Notice of hearing (1/24)	326
Feb.	18	Indefinitely postponed	887

LEGISLATIVE BILL 925. By Pirsch

Jan.	8	Read first time	142
Jan.	9	Referred to Committee on Judiciary	195
Jan.	23	Notice of hearing (1/30)	459
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 926. By Schimek, Will

Jan.	8	Read first time	142
Jan.	9	Referred to Committee on Business and Labor	195
Jan.	27	Notice of hearing (2/3)	491
Feb.	20	Indefinitely postponed	922

LEGISLATIVE BILL 927. By Lamb

Jan.	8	Read first time	142
Jan.	9	Referred to Committee on Natural Resources	195
Jan.	13	Rereferred to Committee on Revenue	232
Jan.	22	Notice of hearing (1/29)	428
Feb.	13	Placed on General File - Com AM2555	842
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 928. By Will

Jan.	8	Read first time	142
Jan.	9	Referred to Committee on Urban Affairs	195
Jan.	13	Notice of hearing (1/21)	249
Jan.	23	Placed on General File	463
Feb.	7	Advanced for Review	728
Feb.	11	Placed on Select File - AM5242	763
Feb.	18	AM5242 (E & R) adopted. Schimek AM2908 withdrawn. Advanced for Engrossment	867
Feb.	20	Correctly Engrossed	910
Mar.	3	Final Reading 43-0-6	1073
Mar.	3	President signed	1075
Mar.	3	Presented to Governor (3/3)	1078
Mar.	4	Approved by Governor (3/4)	1151

LEGISLATIVE BILL 929. By Robak, Conway, Cudaback, Hartnett, Rogers, Schmit

Jan.	8	Read first time	143
Jan.	9	Referred to Committee on General Affairs	195
Jan.	17	Notice of hearing (1/27)	369
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 930. By Nebraska Retirement Systems Committee

Jan.	8	Read first time	143
Jan.	9	Referred to Committee on Appropriations	195
Jan.	27	Notice of hearing (2/7)	494
Apr.	14	Indefinitely postponed	2284

(Provisions/portions of LB 930 amended into LB 672 by AM4294)

LEGISLATIVE BILL 931. By Nelson, Bohlke, Byars, Wickersham

Jan.	8	Read first time	143
Jan.	9	Referred to Committee on Urban Affairs	196
Jan.	13	Notice of hearing (1/21)	249
Apr.	13	Placed on General File - Com AM2987	2210
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 932. By Nelson

Jan.	8	Read first time	143
Jan.	9	Referred to Committee on Business and Labor	196
Jan.	27	Notice of hearing (2/10)	491
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 933. By Nelson, Lynch

Jan.	8	Read first time	143
Jan.	9	Referred to Committee on Urban Affairs	196
Jan.	13	Notice of hearing (1/21)	249
Jan.	23	Placed on General File	463
Feb.	7	Lynch AM2817 adopted. Advanced for Review	729
Feb.	11	Placed on Select File - AM5241	763
Feb.	18	AM5241 (E & R) adopted. Advanced for Engrossment	867
Feb.	20	Correctly Engrossed	910
Mar.	3	Final Reading 42-0-7	1074
Mar.	3	President signed	1075
Mar.	3	Presented to Governor (3/3)	1078
Mar.	4	Approved by Governor (3/4)	1151

(Provisions/portions of LB 1087 amended into LB 933 by AM2817)

LEGISLATIVE BILL 934. By Nebraska Retirement Systems Committee

Jan.	8	Read first time	144
Jan.	9	Referred to Committee on Nebraska Retirement Systems	196
Jan.	17	Notice of hearing (1/30)	372
Jan.	31	Placed on General File	608
Feb.	7	Advanced for Review	731
Feb.	12	Placed on Select File - AM5250	789
Feb.	20	Nebraska Retirement Systems Committee priority bill	923
Feb.	26	Moore AM3058 printed	1009
Mar.	9	Lindsay AM3229 printed	1219

Mar.	9	Nelson-Lamb-Wehrbein AM3344 printed	1236
Mar.	11	Wesely-Crosby AM3331 printed	1288
Mar.	26	Wesely AM3698 printed	1656
Mar.	31	Nelson AM3819 printed	1741
Mar.	31	Crosby AM3859 printed	1785
Apr.	3	Hall AM3490 (on file) printed	1930
Apr.	3	Wesely-Crosby AM4027 printed	1937
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 934A. By Hall

Apr.	3	Read first time. Placed on General File	1931
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 935. By Crosby, Bohlke, Schrock

Jan.	8	Read first time	144
Jan.	9	Referred to Committee on Judiciary	196
Jan.	28	Notice of hearing (2/20)	526
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 936. By Will

Jan.	8	Read first time	144
Jan.	9	Referred to Committee on Business and Labor	196
Jan.	27	Notice of hearing (2/3)	491
Feb.	11	Placed on General File	770
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 936A. By Will

Feb.	24	Read first time. Placed on General File	966
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 937. By Pirsch, Chizek

Jan.	8	Read first time	144
Jan.	9	Referred to Committee on Judiciary	196
Jan.	13	Nelson name added	280
Jan.	14	Labedz name added	304
Jan.	28	Notice of hearing (2/27)	527
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 938. By Cudaback

Jan.	8	Read first time	144
Jan.	9	Referred to Committee on Revenue	196
Jan.	30	Notice of hearing (2/6)	583
Mar.	3	Placed on General File - Com AM3179	1077
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 939. By Schimek, Beutler, Crosby

Jan.	8	Read first time	145
Jan.	9	Referred to Committee on General Affairs	196
Feb.	3	Notice of hearing (2/10)	620
Feb.	26	Placed on General File - Com AM2695	1023
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 940. By Beutler

Jan.	8	Read first time	145
Jan.	9	Referred to Committee on Judiciary	196
Jan.	15	Notice of hearing (1/22)	315
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 941. By Lynch

Jan.	8	Read first time	145
Jan.	13	Referred to Committee on Urban Affairs	232
Jan.	28	Notice of hearing (2/4)	539
Feb.	6	Placed on General File	710
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 942. By Conway, Chizek, Crosby, Wickersham

Jan.	8	Read first time	145
Jan.	13	Referred to Committee on Transportation	232
Jan.	13	Robak name added	254
Jan.	30	Notice of hearing (2/18)	584
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 943. By Wehrbein, Bernard-Stevens, Crosby, Elmer, Hartnett, Hillman, Lindsay, Moore, Nelson, Robak

Jan.	8	Read first time	146
Jan.	13	Referred to Committee on Appropriations	232
Jan.	13	Baack and L. Johnson names added	254
Jan.	24	Kristensen name added	489
Jan.	27	Notice of hearing (2/11)	494

Feb.	12	Byars name added	828
Apr.	14	Indefinitely postponed	2284

(Provisions/portions of LB 943 amended into LB 1022 by AM3186)

LEGISLATIVE BILL 944. By Robak

Jan.	8	Read first time	146
Jan.	13	Referred to Committee on Banking, Commerce and Insurance	232
Jan.	14	Notice of hearing (1/21)	289
Feb.	20	Indefinitely postponed	919

LEGISLATIVE BILL 945. By Robak

Jan.	8	Read first time	146
Jan.	13	Referred to Committee on General Affairs	232
Feb.	3	Notice of hearing (2/10)	620
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 946. By Coordsen, Ashford

Jan.	8	Read first time	152
Jan.	13	Referred to Committee on Government, Military and Veterans Affairs	232
Jan.	16	Notice of hearing (1/23)	335
Jan.	30	Placed on General File	578
Jan.	31	Ashford priority bill	591
Feb.	12	Advanced for Review	812
Feb.	18	Placed on Select File	887
Mar.	3	Attorney General's Opinion #92034 to Coordsen	1095
Mar.	26	Peterson motion to indefinitely postpone lost. Advanced for Engrossment	1624
Mar.	31	Correctly Engrossed	1769
Apr.	9	Final Reading w/E 33-10-6	2181
Apr.	9	Speaker signed	2197
Apr.	9	Presented to Governor (4/9)	2202
Apr.	20	Approved by Governor (4/15)	2286

LEGISLATIVE BILL 947. By Schrock, Bernard-Stevens, Bohlke, Byars, Crosby, Cudaback, Horgan, Wickersham

Jan.	8	Read first time	152
Jan.	13	Referred to Committee on Revenue	232
Jan.	16	Notice of hearing (1/23)	326
Mar.	3	Placed on General File	1077

Apr.	14	Indefinitely postponed	2284

(Provisions/portions of LB 947 amended into LB 1019 by FA394)

LEGISLATIVE BILL 948. By Schrock, Baack, Bernard-Stevens, Bohlke, Byars, Crosby, Cudaback, Dierks, Elmer, Haberman, Hartnett, Hillman, Horgan, R. Johnson, Kristensen, Lamb, Lynch, Moore, Nelson, Schmit, Wickersham

Jan.	8	Read first time	152
Jan.	13	Referred to Committee on Natural Resources	232
Jan.	14	Schrock priority bill	283
Jan.	14	Notice of hearing (1/22)	293
Jan.	23	Placed on General File	462
Jan.	28	Schrock AM2536 adopted. Advanced for Review	524
Feb.	4	Placed on Select File - AM5237	642
Feb.	6	AM5237 (E & R) adopted. Schrock AM2680 adopted. Advanced for Engrossment	714
Feb.	10	Correctly Engrossed	738
Feb.	10	ER7141 change	739
Feb.	19	Final Reading w/E 43-0-6	895
Feb.	19	President signed	900
Feb.	19	Presented to Governor (2/19)	902
Feb.	21	Approved by Governor (2/21)	948

LEGISLATIVE BILL 949. By Schimek

Jan.	8	Read first time	152
Jan.	13	Referred to Committee on Government, Military and Veterans Affairs	232
Jan.	21	Notice of hearing (2/5)	388
Feb.	6	Placed on General File	683
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 950. By Wehrbein

Jan.	8	Read first time	153
Jan.	13	Referred to Committee on Urban Affairs	232
Jan.	13	Notice of hearing (1/21)	249
Jan.	23	Placed on General File	463
Feb.	7	Advanced for Review	729
Feb.	11	Placed on Select File - AM5243	763
Feb.	11	Wehrbein AM2852 printed	787
Feb.	18	AM5243 (E & R) adopted. Wehrbein pending AM2852 p. 787 and Beutler AM2917	

		adopted. Schimek AM2909 withdrawn. Advanced for Engrossment	867
Feb.	20	Correctly Engrossed	910
Feb.	20	ER7148 change	911
Mar.	4	Final Reading 39-0-10	1103
Mar.	4	Speaker signed	1108
Mar.	4	Presented to Governor (3/4)	1110
Mar.	9	Approved by Governor (3/9)	1233

LEGISLATIVE BILL 951. By Schimek, Rasmussen, Will

Jan.	8	Read first time	153
Jan.	13	Referred to Committee on Business and Labor	232
Jan.	14	Notice of hearing (1/27)	303
Feb.	11	Placed on General File - Com AM2806	775
Feb.	21	Speaker's priority bill	948
Mar.	6	Schimek AM3263 to committee AM2806 printed	1185
Mar.	12	Schimek AM3464 to committee AM2806 printed	1325
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 952. By Dierks, Coordsen, Crosby, Elmer, R. Johnson, Pirsch

Jan.	8	Read first time	153
Jan.	13	Referred to Committee on Judiciary	232
Jan.	28	Notice of hearing (2/26)	527
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 953. By Dierks

Jan.	8	Read first time	153
Jan.	13	Referred to Committee on Government, Military and Veterans Affairs	232
Jan.	21	Notice of hearing (1/29)	388
Jan.	30	Indefinitely postponed	578

LEGISLATIVE BILL 954. By Dierks, Lamb

Jan.	8	Read first time	153
Jan.	13	Referred to Committee on Transportation	232
Jan.	17	Notice of hearing (1/27)	352
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 955. By Dierks, Coordsen

Jan.	8	Read first time	153
Jan.	13	Referred to Committee on Revenue	232
Feb.	5	Notice of hearing (2/19)	677
Feb.	27	Indefinitely postponed	1039

LEGISLATIVE BILL 956. By Dierks, Coordsen

Jan.	8	Read first time	154
Jan.	13	Referred to Committee on Revenue	232
Feb.	5	Notice of hearing (2/19)	677
Feb.	27	Indefinitely postponed	1039

LEGISLATIVE BILL 957. By Abboud

Jan.	8	Read first time	154
Jan.	13	Referred to Committee on Judiciary	232
Jan.	23	Notice of hearing (1/30)	459
Feb.	19	Placed on General File	896
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 958. By Horgan, Schimek, Rasmussen, Ashford, Bohlke, Crosby, Cudaback, Hartnett, Lynch

Jan.	8	Read first time	154
Jan.	10	Horgan priority bill	230
Jan.	13	Referred to Committee on Transportation	232
Jan.	17	Notice of hearing (2/3)	353
Feb.	24	Placed on General File - Com AM2930	962
Mar.	18	Committee AM2930 adopted. Peterson AM3508 lost. Advanced for Review	1397
Mar.	18	Moore AM3542 printed	1408
Mar.	18	Lamb FA311 printed	1410
Mar.	19	R. Johnson AM3586 printed	1451
Mar.	19	R. Johnson AM3569 printed	1452
Mar.	20	Placed on Select File - AM5272	1471
Mar.	20	Lynch AM3608 printed	1478
Mar.	25	Robak AM3664 printed	1590
Apr.	6	Attorney General's Opinion #92056 to Horgan	1985
Apr.	8	AM5272 (E & R) adopted. Moore request to substitute amendment prevailed. Moore pending AM3542 p. 1408 withdrawn. Moore substitute AM3598 ruled germane and lost. Lynch challenge of Chair lost. Pending	2115
Apr.	8	Lamb pending FA311 p. 1410, Chambers FA388, and FA389 lost. R. Johnson pending	

		AM3586 p. 1451 and AM3569 p. 1452, Lynch pending AM3608 p. 1478 and Robak pending AM3664 p. 1590 withdrawn. Lamb AM4291 adopted. Chambers FA390 sustained division of question. Chambers FA391 lost and FA392 withdrawn. Horgan AM3787 lost. Hefner motion to reconsider Lamb FA311 p. 1410 lost. Ashford motion to reconsider AM3787 p. 2125 prevailed. Horgan reconsidered AM3787 p. 2125 adopted. Advanced for Engrossment	2120
Apr.	9	Correctly Engrossed	2144
Apr.	14	Baack motion to suspend rules prevailed	2239
Apr.	14	Final Reading 27-22-0	2251
Apr.	14	President signed	2259
Apr.	14	Presented to Governor (4/14)	2261
Apr.	20	Became law without Governor's signature (4/21)	2295
Apr.	20	Message from Secretary of State. Certificate	2296

LEGISLATIVE BILL 959. By Agriculture Committee

Jan.	8	Read first time	162
Jan.	13	Referred to Committee on Agriculture	232
Jan.	21	Notice of hearing (2/4)	388
Feb.	6	Placed on General File	683
Apr.	14	Indefinitely postponed	2284

(Provisions/portions of LB 959 amended into LB 366 by AM3837)

LEGISLATIVE BILL 960. By Agriculture Committee

Jan.	8	Read first time	162
Jan.	13	Referred to Committee on Agriculture	232
Jan.	21	Notice of hearing (2/4)	388
Feb.	6	Placed on General File	683
Apr.	14	Indefinitely postponed	2284

(Provisions/portions of LB 960 amended into LB 366 by AM3836)

LEGISLATIVE BILL 961. By Agriculture Committee

Jan.	8	Read first time	163
Jan.	13	Referred to Committee on Agriculture	232
Jan.	21	Notice of hearing (2/4)	388
Feb.	6	Placed on General File	683
Apr.	14	Indefinitely postponed	2284

(Provisions/portions of LB 961 amended into LB 366 by AM3838)

LEGISLATIVE BILL 962. By Landis, Baack, Bohlke, Lindsay, Rogers, Warner, Wesely, Wickersham, at the request of the Governor

Jan.	8	Read first time	164
Jan.	9	Morrissey and Bernard-Stevens names added	194
Jan.	13	Referred to Committee on Revenue	232
Jan.	13	Byars name added	280
Jan.	16	Notice of hearing (1/24)	327
Feb.	13	Placed on General File - Com AM2812 (printed separate)	843
Feb.	20	Hall priority bill	923
Mar.	18	Hall AM3529 to committee AM2812 printed	1400
Mar.	18	Hall AM3511 to committee AM2812 printed	1401
Mar.	18	Hall AM3512 to committee AM2812 printed	1404
Mar.	19	Hall AM3593 to committee AM2812 printed	1450
Mar.	20	Hall AM3611 to committee AM2812 printed	1503
Mar.	25	Hall AM3689 to committee AM2812 printed	1603
Apr.	6	Robinson AM4041 and AM4042 printed	1958
Apr.	6	Robinson AM4043, AM4048, and AM4049 printed	1959
Apr.	6	Warner AM3763 (on file) printed	1994
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 962A. By Landis

Mar.	20	Read first time. Placed on General File	1503
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 963. By Beutler, Hefner

Jan.	8	Read first time	164
Jan.	10	Schrock name added	230
Jan.	13	Referred to Committee on Judiciary	232
Jan.	28	Notice of hearing (2/12)	526
Feb.	6	Robinson name added. Robinson priority bill	685
Feb.	25	Indefinitely postponed	986

LEGISLATIVE BILL 964. By Ashford, Abboud, Lindsay, Will

Jan.	8	Read first time	164
Jan.	13	Referred to Committee on Government, Military and Veterans Affairs	232
Jan.	24	Notice of hearing (2/20)	488
Feb.	25	Placed on General File - Com AM3070	984
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 965. By Executive Board

Jan.	9	Read first time	177
Jan.	13	Referred to Committee on Government, Military and Veterans Affairs	232
Jan.	16	Notice of hearing (1/24)	335
Jan.	31	Placed on General File	608
Feb.	7	Advanced for Review	735
Feb.	12	Placed on Select File - AM5248	790
Apr.	8	AM5248 (E & R) adopted. Advanced for Engrossment	2102
Apr.	9	Correctly Engrossed	2142
Apr.	14	Baack motion to suspend rules prevailed	2239
Apr.	14	Final Reading 47-0-2	2252
Apr.	14	President signed	2259
Apr.	14	Presented to Governor (4/14)	2261
Apr.	20	Approved by Governor (4/17)	2293

LEGISLATIVE BILL 966. By Coordsen

Jan.	9	Read first time	178
Jan.	13	Referred to Committee on Government, Military and Veterans Affairs	232
Jan.	16	Notice of hearing (1/23)	335
Jan.	31	Placed on General File - Com AM2637	610
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 967. By Withem

Jan.	9	Read first time	178
Jan.	13	Referred to Committee on Business and Labor	232
Jan.	27	Notice of hearing (2/3)	491
Feb.	11	Indefinitely postponed	776

LEGISLATIVE BILL 968. By Withem

Jan.	9	Read first time	178
Jan.	13	Referred to Committee on Urban Affairs	232
Jan.	13	Notice of hearing (1/21)	249
Jan.	23	Placed on General File	463
Apr.	14	Indefinitely postponed	2284

(Provisions/portions of LB 968 amended into LB 764 by AM2488)

LEGISLATIVE BILL 969. By Peterson

Jan.	9	Read first time	178
Jan.	13	Referred to Committee on Government, Military and Veterans Affairs	232
Jan.	21	Notice of hearing (1/30)	388
Jan.	21	Peterson motion to withdraw bill laid over	389
Jan.	22	Peterson pending motion p. 389 prevailed. Withdrawn	406
Jan.	22	Notice of hearing (1/30) (Cancelled)	428

LEGISLATIVE BILL 970. By Cudaback

Jan.	9	Read first time	178
Jan.	13	Referred to Committee on Health and Human Services	232
Jan.	15	Notice of hearing (1/23)	320
Jan.	27	Placed on General File - Com AM2486	499
Apr.	14	Indefinitely postponed	2284

(Provisions/portions of LB 970 amended into LB 1019 by FA370)

LEGISLATIVE BILL 971. By Schrock, Coordsen, Dierks, R. Johnson, Wehrbein

Jan.	9	Read first time	182
Jan.	13	Referred to Committee on Agriculture	232
Jan.	17	Notice of hearing (1/28)	372
Jan.	29	Placed on General File	542
Feb.	7	Advanced for Review	730
Feb.	11	Placed on Select File	764
Feb.	18	Beutler AM2976 adopted. Advanced for Engrossment	871
Feb.	20	Correctly Engrossed. ER7149 change	921
Mar.	4	Final Reading 40-0-9	1104
Mar.	4	Speaker signed	1108
Mar.	4	Presented to Governor (3/4)	1110
Mar.	9	Approved by Governor (3/9)	1233

LEGISLATIVE BILL 972. By Robak, Hartnett, Hefner, Nelson

Jan.	9	Read first time	183
Jan.	13	Referred to Committee on Revenue	232
Jan.	30	Notice of hearing (2/7)	583
Feb.	18	Indefinitely postponed	887

LEGISLATIVE BILL 973. By Byars, Beyer, Horgan, Peterson, Pirsch, Robak, Wickersham

Jan.	9	Read first time	183
Jan.	13	Referred to Committee on Transportation	232
Jan.	17	Notice of hearing (1/28)	353
Feb.	13	Placed on General File	842
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 974. By Labedz

Jan.	9	Read first time	183
Jan.	13	Referred to Committee on Business and Labor	232
Jan.	14	Notice of hearing (1/27)	303
Feb.	11	Indefinitely postponed	776

LEGISLATIVE BILL 975. By Ashford

Jan.	9	Read first time	183
Jan.	13	Referred to Committee on Judiciary	233
Jan.	28	Notice of hearing (2/5)	526
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 976. By Moore

Jan.	9	Read first time	183
Jan.	13	Referred to Committee on Education	233
Jan.	14	Notice of hearing (1/21)	293
Jan.	22	Placed on General File	405
Feb.	7	Moore AM2491 adopted. Advanced for Review	727
Feb.	10	Placed on Select File - AM5239	740
Apr.	8	AM5239 (E & R) adopted. Advanced for Engrossment	2102
Apr.	9	Correctly Engrossed	2142
Apr.	14	Baack motion to suspend rules prevailed	2239
Apr.	14	Final Reading w/E 45-0-4	2253
Apr.	14	President signed	2259
Apr.	14	Presented to Governor (4/14)	2261
Apr.	20	Approved by Governor (4/17)	2293

LEGISLATIVE BILL 977. By Conway, Schimek

Jan.	9	Read first time	183
Jan.	13	Referred to Committee on Government,	

		Military and Veterans Affairs	233
Jan.	21	Notice of hearing (1/29)	388
Jan.	31	Placed on General File - Com AM2675	610
Feb.	6	Conway AM2693 to committee AM2675 printed	715
Feb.	21	Speaker's priority bill	948
Apr.	14	Indefinitely postponed	2284

(Provisions/portions of LB 977 amended into LB 424 by AM3298)

LEGISLATIVE BILL 978. By Conway

Jan.	9	Read first time	184
Jan.	13	Referred to Committee on Government, Military and Veterans Affairs	233
Jan.	21	Notice of hearing (1/30)	388
Feb.	3	Placed on General File	638
Feb.	21	Speaker's priority bill	948
Apr.	14	Indefinitely postponed	2284

(Provisions/portions of LB 978 amended into LB 835 by AM4166)

LEGISLATIVE BILL 978A. By Conway

Feb.	6	Read first time. Placed on General File	710
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 979. By L. Johnson

Jan.	9	Read first time	184
Jan.	13	Referred to Committee on Transportation	233
Jan.	17	Notice of hearing (2/3)	353
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 980. By L. Johnson, Beyer, Hefner, Lamb, Wesely

Jan.	9	Read first time	184
Jan.	13	Referred to Committee on Transportation	233
Jan.	17	Notice of hearing (2/3)	353
Feb.	13	Indefinitely postponed	842

LEGISLATIVE BILL 981. By Wesely, Beutler, R. Johnson, Morrissey, Schmit

Jan.	9	Read first time	184
Jan.	13	Referred to Committee on Natural Resources	233
Jan.	28	Notice of hearing (2/6)	515

Feb.	18	Placed on General File	884
Apr.	14	Indefinitely postponed	2284

(Provisions/portions of LB 981 amended into LB 1257 by AM3497)

LEGISLATIVE BILL 982. By Conway, Bohlke

Jan.	9	Read first time	184
Jan.	13	Referred to Committee on Revenue	233
Jan.	15	Notice of hearing (1/22)	320
Jan.	23	Placed on General File	466
Feb.	7	Advanced for Review	729
Feb.	11	Placed on Select File	763
Feb.	18	Conway AM2957 adopted. Advanced for Engrossment	870
Feb.	20	Correctly Engrossed	910
Feb.	20	ER7147 change	911
Apr.	9	Final Reading 44-0-5	2176
Apr.	9	Speaker signed	2180
Apr.	9	Presented to Governor (4/9)	2190
Apr.	20	Approved by Governor (4/15)	2286

LEGISLATIVE BILL 982A. By Conway

Feb.	3	Read first time. Placed on General File	625
Feb.	7	Advanced for Review	729
Feb.	11	Placed on Select File	763
Feb.	18	Advanced for Engrossment	870
Feb.	20	Correctly Engrossed	910
Apr.	9	Final Reading 46-0-3	2177
Apr.	9	Speaker signed	2180
Apr.	9	Presented to Governor (4/9)	2190
Apr.	20	Approved by Governor (4/15)	2286

LEGISLATIVE BILL 983. By Rogers, Conway, Hefner, Robak

Jan.	9	Read first time	185
Jan.	13	Referred to Committee on Health and Human Services	233
Jan.	15	Notice of hearing (1/23)	320
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 984. By L. Johnson, Wehrbein

Jan.	9	Read first time	185
Jan.	13	Referred to Committee on Banking,	

		Commerce and Insurance	233
Jan.	21	Notice of hearing (1/28)	388
Jan.	29	Placed on General File	562
Feb.	7	Advanced for Review	730
Feb.	11	Placed on Select File	764
Feb.	18	Advanced for Engrossment	872
Feb.	20	Correctly Engrossed	921
Mar.	4	Final Reading w/E 40-0-9	1104
Mar.	4	Speaker signed	1108
Mar.	4	Presented to Governor (3/4)	1110
Mar.	9	Approved by Governor (3/9)	1233

LEGISLATIVE BILL 985. By L. Johnson, Wehrbein

Jan.	9	Read first time	185
Jan.	13	Referred to Committee on Banking, Commerce and Insurance	233
Jan.	21	Notice of hearing (1/28)	388
Jan.	29	Placed on General File	562
Feb.	7	Advanced for Review	730
Feb.	11	Placed on Select File	765
Feb.	18	Advanced for Engrossment	872
Feb.	20	Correctly Engrossed	921
Mar.	4	Final Reading w/E 40-0-9	1105
Mar.	4	Speaker signed	1108
Mar.	4	Presented to Governor (3/4)	1110
Mar.	9	Approved by Governor (3/9)	1233

LEGISLATIVE BILL 986. By Ashford

Jan.	9	Read first time	185
Jan.	13	Referred to Committee on Revenue	233
Jan.	13	Byars name added	280
Jan.	15	Notice of hearing (1/22)	320
Feb.	25	Indefinitely postponed	992

LEGISLATIVE BILL 987. By Crosby, Byars

Jan.	9	Read first time	185
Jan.	9	Dierks name added	204
Jan.	13	Referred to Committee on Health and Human Services	233
Jan.	23	Notice of hearing (1/30)	467
Feb.	11	Placed on General File - Com AM2815	783
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 987A. By Crosby

Feb.	26	Read first time. Placed on General File	1023
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 988. By Executive Board and Kristensen, Rogers, Withem

Jan.	9	Read first time	185
Jan.	13	Referred to Committee on Government, Military and Veterans Affairs	233
Jan.	21	Notice of hearing (1/31)	388
Jan.	22	Notice of hearing (2/6) (Reset)	428
Feb.	7	Placed on General File	732
Feb.	18	Warner priority bill	865
Feb.	19	Warner FA276 printed	906
Mar.	23	Warner AM3605 printed	1527
Mar.	26	Schimek AM3007 printed	1640
Mar.	26	Warner pending AM3605 p. 1527 adopted. Warner pending FA276 p. 906 and Schimek pending AM3007 p. 1640 withdrawn. Advanced for Review	1702
Apr.	1	Placed on Select File - AM5286	1812
Apr.	7	Beutler AM4119 printed	2048
Apr.	7	Beutler AM4182 printed	2069
Apr.	8	Beutler AM4119 p. 2048 and AM4182 p. 2069 withdrawn	2092
Apr.	8	AM5286 (E & R) adopted. Advanced for Engrossment	2102
Apr.	9	Correctly Engrossed	2142
Apr.	14	Baack motion to suspend rules prevailed	2239
Apr.	14	Final Reading 45-0-4	2254
Apr.	14	President signed	2259
Apr.	14	Presented to Governor (4/14)	2261
Apr.	20	Approved by Governor (4/17)	2293

LEGISLATIVE BILL 989. By Baack, Chambers, Schimek, Warner

Jan.	9	Read first time	186
Jan.	13	Referred to Committee on Government, Military and Veterans Affairs	233
Jan.	21	Notice of hearing (1/29)	388
Jan.	31	Placed on General File - Com AM2638	593

Jan.	31	Speaker Baack priority bill	614
Feb.	10	Committee AM2638 adopted. Advanced for Review	754
Feb.	18	Placed on Select File - AM5257	859
Feb.	20	Baack AM3019 printed	915
Mar.	5	AM5257 (E & R) adopted. Baack pending AM3019 p. 915 adopted. Advanced for Engrossment	1155
Mar.	9	Correctly Engrossed	1213
Mar.	12	Final Reading 35-0-14	1306
Mar.	12	President signed	1323
Mar.	17	Presented to Governor (3/12)	1335
Mar.	18	Approved by Governor (3/18)	1410

LEGISLATIVE BILL 990. By Conway, Byars

Jan.	9	Read first time	186
Jan.	13	Referred to Committee on Government, Military and Veterans Affairs	233
Jan.	21	Notice of hearing (1/31)	388
Feb.	3	Placed on General File	638
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 991. By Chizek, Baack, Pirsch, Withem

Jan.	9	Read first time	186
Jan.	13	Referred to Committee on Judiciary	233
Jan.	28	Notice of hearing (2/19)	526
Feb.	21	Speaker's priority bill	948
Mar.	4	Placed on General File	1125
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 992. By Conway, Chizek

Jan.	9	Read first time	186
Jan.	13	Referred to Committee on Government, Military and Veterans Affairs	233
Jan.	21	Notice of hearing (1/31)	388
Feb.	3	Placed on General File	638
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 992A. By Conway

Mar.	3	Read first time. Placed on General File	1077
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 993. By Moore, Landis

Jan.	9	Read first time	187
Jan.	13	Referred to Committee on Banking, Commerce and Insurance	233
Jan.	14	Notice of hearing (1/21)	289
Jan.	23	Placed on General File - Com AM2462	462
Apr.	14	Indefinitely postponed	2284

(Provisions/portions of LB 993 amended into LB 1006 by AM3448)

LEGISLATIVE BILL 994. By Hall

Jan.	9	Read first time	197
Jan.	13	Referred to Committee on Revenue	258
Jan.	30	Notice of hearing (2/6)	583
Feb.	18	Indefinitely postponed	887

LEGISLATIVE BILL 995. By Hall

Jan.	9	Read first time	197
Jan.	13	Referred to Committee on Revenue	258
Jan.	16	Notice of hearing (1/24)	327
Feb.	18	Indefinitely postponed	887

LEGISLATIVE BILL 996. By Robinson, Cudaback, Elmer

Jan.	9	Read first time	197
Jan.	13	Referred to Committee on Revenue	258
Jan.	29	Notice of hearing (2/5)	550
Mar.	3	Placed on General File - Com AM3191	1078
Apr.	14	Indefinitely postponed	2284

(Provisions/portions of LB 996 amended into LB 719A by AM4008)

LEGISLATIVE BILL 997. By Hall, Crosby, Schellpeper

Jan.	9	Read first time	198
Jan.	13	Referred to Committee on Revenue	258
Jan.	15	Notice of hearing (1/22)	320
Jan.	23	Placed on General File - Com AM2472	467
Apr.	14	Indefinitely postponed	2284

(Provisions/portions of LB 997 amended into LB 719A by AM3908)

LEGISLATIVE BILL 998. By Conway, Baack

Jan. 9 Read first time 202
Jan. 13 Referred to Committee on Government,
Military and Veterans Affairs 258
Jan. 21 Notice of hearing (1/30) 388
Feb. 4 Placed on General File - Com AM2696 656
Feb. 10 Conway AM2825 to committee AM2696 printed 750
Apr. 14 Indefinitely postponed 2284

LEGISLATIVE BILL 999. By Kristensen

Jan. 9 Read first time 202
Jan. 13 Referred to Committee on Judiciary 258
Jan. 17 Notice of hearing (1/24) 353
Jan. 31 Placed on General File 605
Feb. 7 Advanced for Review 731
Feb. 12 Placed on Select File 789
Feb. 18 Advanced for Engrossment 872
Feb. 20 Correctly Engrossed 921
Mar. 4 Final Reading 41-0-8 1106
Mar. 4 Speaker signed 1108
Mar. 4 Presented to Governor (3/4) 1110
Mar. 9 Approved by Governor (3/9) 1233

LEGISLATIVE BILL 1000. By Kristensen

Jan. 9 Read first time 202
Jan. 13 Referred to Committee on Judiciary 258
Jan. 17 Notice of hearing (1/24) 353
Jan. 31 Placed on General File 605
Feb. 7 Advanced for Review 731
Feb. 12 Placed on Select File 789
Feb. 18 Advanced for Engrossment 872
Feb. 20 Correctly Engrossed 921
Mar. 9 Wickersham AM3283 printed 1222
Mar. 24 Wickersham-Beutler AM3655 printed 1562
Apr. 9 Wickersham pending AM3283 p. 1222 and
Wickersham-Beutler pending AM3655
p. 1562 withdrawn 2166
Apr. 9 Final Reading 45-0-4 2178
Apr. 9 Speaker signed 2180
Apr. 9 Presented to Governor (4/9) 2190
Apr. 20 Approved by Governor (4/15) 2286

LEGISLATIVE BILL 1001. By Horgan, Lynch, Nelson, Will

Jan.	9	Read first time	202
Jan.	13	Referred to Committee on Nebraska Retirement Systems	258
Jan.	17	Notice of hearing (1/28)	372
Feb.	6	Placed on General File - Com AM2754	702
Feb.	19	Pirsch priority bill	908
Mar.	18	Baack AM3526 printed	1384
Mar.	31	Nelson AM3780 to AM3526 printed	1741
Apr.	2	Baack AM3934 printed	1868
Apr.	2	Wickersham AM3951 printed	1874
Apr.	3	Dierks AM3941 (on file) printed	1906
Apr.	6	Committee AM2754 lost. Baack pending AM3526 p. 1384 adopted as amended by Nelson pending AM3780 p. 1741. Baack pending AM3934 p. 1868, Wickersham pending AM3951 p. 1874, Warner AM3950 (on file), and Wickersham AM3683 adopted. Dierks request to substitute amendment prevailed. Dierks pending AM3941 p. 1906 withdrawn. Dierks substitute AM4066 (on file) and Horgan-Hall AM4017 adopted. Advanced for Review	1968
Apr.	8	Schellpeper AM3944 printed	2088
Apr.	8	Placed on Select File - AM5290 (printed separate)	2091
Apr.	8	Dierks AM4198 to AM5290 printed	2103
Apr.	8	Landis AM4135 (on file) printed	2115
Apr.	9	AM5290 (E & R) adopted. Schellpeper pending AM3944 p. 2088, Dierks pending AM4198 p. 2103 and Landis AM4135 p. 2115 withdrawn. Advanced for Engrossment	2141
Apr.	9	Correctly Engrossed	2188
Apr.	14	Baack motion to suspend rules prevailed	2239
Apr.	14	Final Reading w/E 44-0-5	2255
Apr.	14	President signed	2259
Apr.	14	Presented to Governor (4/14)	2261
Apr.	20	Approved by Governor (4/17)	2293

(Provisions/portions of LB 41 amended into LB 1001 by AM5290)
(Provisions/portions of LB 1071 amended into LB 1001 by AM5290)
(Provisions/portions of LB 1072 amended into LB 1001 by AM5290)
(Provisions/portions of LB 1125 amended into LB 1001 by AM5290)
(Provisions/portions of LB 1153 amended into LB 1001 by AM5290)

LEGISLATIVE BILL 1002. By Chizek

Jan.	9	Read first time	202
Jan.	13	Referred to Committee on Government, Military and Veterans Affairs	258
Jan.	21	Notice of hearing (2/5)	388
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1003. By Hall

Jan.	9	Read first time	203
Jan.	13	Referred to Committee on Business and Labor	258
Jan.	27	Notice of hearing (2/10)	491
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1004. By Landis, Hall

Jan.	9	Read first time	203
Jan.	13	Referred to Committee on Revenue	258
Jan.	15	Notice of hearing (1/22)	320
Jan.	23	Placed on General File	467
Feb.	7	Advanced for Review	729
Feb.	11	Placed on Select File - AM5246	763
Feb.	18	AM5246 (E & R) adopted. Advanced for Engrossment	870
Feb.	20	Correctly Engrossed. ER7152 change	921
Mar.	4	Final Reading 44-0-5	1107
Mar.	4	Speaker signed	1108
Mar.	4	Presented to Governor (3/4)	1110
Mar.	9	Approved by Governor (3/9)	1233

LEGISLATIVE BILL 1005. By Will

Jan.	9	Read first time	203
Jan.	13	Referred to Committee on Natural Resources	258
Jan.	28	Notice of hearing (2/13)	515
Feb.	25	Indefinitely postponed	977

LEGISLATIVE BILL 1006. By Landis

Jan.	9	Read first time	203
Jan.	13	Referred to Committee on Banking, Commerce and Insurance	258
Jan.	17	Notice of hearing (1/27)	353
Jan.	31	Placed on General File - Com AM2565	594
Feb.	10	Banking, Commerce and Insurance	

		Committee priority bill	746
Feb.	19	Committee AM2565 adopted. Advanced for Review	895
Feb.	24	Placed on Select File - AM5266	963
Mar.	12	Landis AM3448 printed separate	1313
Mar.	31	AM5266 (E & R) adopted. Landis pending AM3448 p. 1313 and Wesely AM3790 (on file) adopted. Advanced for Engrossment	1730
Apr.	1	Wesely AM3898 printed	1810
Apr.	2	Returned to Select File for Wesely amendment. Wesely pending AM3898 p. 1810 adopted. Advanced for Engrossment	1854
Apr.	6	Correctly Engrossed. ER7162 change	1950
Apr.	9	Final Reading w/E 38-0-11	2195
Apr.	9	Speaker signed	2197
Apr.	9	Presented to Governor (4/9)	2202
Apr.	20	Approved by Governor (4/15)	2286

(Provisions/portions of LB 594 amended into LB 1006 by AM3448)
(Provisions/portions of LB 993 amended into LB 1006 by AM3448)
(Provisions/portions of LB 1136 amended into LB 1006 by AM3790)
(Provisions/portions of LB 1146 amended into LB 1006 by AM3448)
(Provisions/portions of LB 1220 amended into LB 1006 by AM3448)
(Provisions/portions of LB 1243 amended into LB 1006 by AM3448)

LEGISLATIVE BILL 1006A. By Landis

Feb.	11	Read first time. Placed on General File	782
Feb.	19	Advanced for Review	896
Feb.	24	Placed on Select File	965
Mar.	31	Wesely AM3797 and Rasmussen AM3494 adopted. Advanced for Engrossment	1730
Apr.	6	Correctly Engrossed	1950
Apr.	9	Final Reading w/E 38-0-11	2196
Apr.	9	Speaker signed	2197
Apr.	9	Presented to Governor (4/9)	2202
Apr.	20	Approved by Governor (4/15)	2286

LEGISLATIVE BILL 1007. By Withem

Jan.	10	Read first time	222
Jan.	13	Referred to Committee on Education	258
Feb.	5	Notice of hearing (2/18)	669
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1008. By Horgan

Jan.	10	Read first time	222
Jan.	13	Referred to Committee on Urban Affairs	258
Jan.	21	Notice of hearing (1/28)	389
Jan.	27	Horgan-Ashford-Rasmussen AM2417 printed	492
Feb.	3	Placed on General File - Com AM2609	639
Feb.	6	Urban Affairs Committee priority bill	709
Feb.	19	Committee AM2609 adopted. Horgan-Ashford-Rasmussen pending AM2417 p. 492 withdrawn. Haberman FA270 ruled not germane. Haberman motion to indefinitely postpone withdrawn. Haberman FA271 lost. Horgan FA272 withdrawn. Pending	900
Feb.	19	Chambers FA273 and Haberman FA274 lost. Chambers FA275 pending	903
Feb.	21	Lynch AM3055 printed	942
Apr.	14	Indefinitely postponed	2284

(Provisions/portions of LB 1008 amended into LB 1257 by AM3635)

LEGISLATIVE BILL 1009. By Wehrbein

Jan.	10	Read first time	222
Jan.	13	Referred to Committee on Banking, Commerce and Insurance	258
Jan.	21	Notice of hearing (1/28)	388
Feb.	20	Indefinitely postponed	919

LEGISLATIVE BILL 1010. By Landis

Jan.	10	Read first time	223
Jan.	13	Referred to Committee on Business and Labor	258
Jan.	27	Notice of hearing (2/10)	491
Feb.	20	Placed on General File	922
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1011. By Schrock, Chizek, Cudaback, Dierks, Nelson

Jan.	10	Read first time	223
Jan.	13	Referred to Committee on Agriculture	258
Jan.	17	Notice of hearing (1/28)	372
Jan.	29	Placed on General File	542
Feb.	7	Advanced for Review	730
Feb.	10	Schrock AM2827 printed	746
Feb.	11	Placed on Select File - AM5244	764
Feb.	18	AM5244 (E & R) adopted. Schrock	

		pending AM2827 p. 746 withdrawn. withdrawn. Schrock FA267 adopted. Advanced for Engrossment	871
Feb.	20	Correctly Engrossed. ER7150 change	921
Mar.	3	Schrock-Lynch AM3997 printed	1936
Apr.	6	Lynch-Schrock AM4078 printed	1979
Apr.	6	Will AM4070 printed	1987
Apr.	13	Chambers motion to return to Select File for FA402 withdrawn. Will pending AM4070 p. 1987, Lynch-Schrock pending AM3997 p. 1936 and pending AM4078 p. 1979 withdrawn. Final Reading 44-1-4	2223
Apr.	13	President signed	2231
Apr.	14	Presented to Governor (4/13)	2238
Apr.	20	Approved by Governor (4/15)	2287

LEGISLATIVE BILL 1012. By Conway

Jan.	10	Read first time	223
Jan.	13	Referred to Committee on Banking, Commerce and Insurance	258
Jan.	21	Notice of hearing (1/28)	388
Jan.	31	Placed on General File - Com AM2592	598
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1013. By Warner, Baack, Hefner

Jan.	10	Read first time	223
Jan.	13	L. Johnson name added	254
Jan.	13	Referred to Committee on Revenue	258
Jan.	15	Notice of hearing (1/22)	320
Jan.	23	Placed on General File - Com AM2482	467
Jan.	24	Committee AM2482 p. 467 adopted. Advanced for Review. Expedited	481
Jan.	27	Placed on Select File - AM5217	490
Jan.	27	AM5217 (E & R) adopted. Hefner-Baack AM2527 adopted. Advanced for Engrossment	495
Jan.	27	Schmit AM2534 printed. Correctly Engrossed	509
Jan.	31	Schmit pending AM2534 p . 509 withdrawn. Final Reading w/E 37-0-12	590
Jan.	31	President signed	600
Jan.	31	Presented to Governor (1/31)	608
Jan.	31	Morrissey explanation of vote	614
Feb.	3	Approved by Governor (1/31)	620

LEGISLATIVE BILL 1014. By Pirsch

Jan.	10	Read first time	224
Jan.	13	Referred to Committee on Judiciary	258
Jan.	16	Notice of hearing (1/23)	343
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1015. By Health and Human Services Committee

Jan.	10	Read first time	224
Jan.	13	Referred to Committee on Health and Human Services	258
Feb.	5	Notice of hearing (2/12)	678
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1016. By Health and Human Services Committee

Jan.	10	Read first time	224
Jan.	13	Referred to Committee on Health and Human Services	258
Jan.	23	Notice of hearing (1/30)	467
Apr.	14	Indefinitely postponed	2284

(Provisions/portions of LB 1016 amended into LB1019 by AM2816)

LEGISLATIVE BILL 1017. By Health and Human Services Committee

Jan.	10	Read first time	224
Jan.	13	Referred to Committee on Health and Human Services	258
Feb.	7	Notice of hearing (2/21)	732
Apr.	14	Indefinitely postponed	2284

(Provisions/portions of LB 1017 amended into LB1019 by FA370)

LEGISLATIVE BILL 1018. By Health and Human Services Committee

Jan.	10	Read first time	225
Jan.	13	Referred to Committee on Health and Human Services	258
Jan.	28	Notice of hearing (2/5)	538
Apr.	14	Indefinitely postponed	2284

(Provisions/portions of LB 1018 amended into LB1019 by AM2816)

LEGISLATIVE BILL 1019. By Health and Human Services Committee

Jan.	10	Read first time	225
Jan.	13	Referred to Committee on Health and Human Services	258
Jan.	23	Notice of hearing (1/30)	467
Feb.	11	Health and Human Services Committee priority bill	782
Feb.	11	Placed on General File - Com AM2816 (printed separate)	783
Mar.	20	Wesely AM3531 to committee AM2816 printed	1483
Mar.	20	Wesely AM3532 printed	1488
Mar.	23	Lamb AM3366 printed	1522
Apr.	3	Wesely AM3860 to committee AM2816 printed	1929
Apr.	7	Wesely pending AM3531 p. 1483 sustained division of question. Wesely FA370, FA371, and pending AM3860 p. 1929 to committee AM2816 adopted. Committee AM2816 p. 783 adopted as amended. Wesely pending AM3532 p. 1488 withdrawn. Lamb pending AM3366 p. 1522 adopted. Advanced for Review	2006
Apr.	8	Wesely AM4142 to AM5293 printed	2074
Apr.	8	Wesely AM4263 to AM5293 printed	2108
Apr.	8	Wesely-Hall-Lynch-Schmit AM4140 and Schrock-Wesely AM4120 to AM5293 printed	2111
Apr.	8	Placed on Select File - AM5293 (printed separate)	2119
Apr.	8	Wesely AM4288 (on file) printed	2132
Apr.	9	Wickersham motion to bracket until 4/16/92 withdrawn. AM5293 (E & R) adopted. Wesely pending AM4142 p. 2074, pending AM4263 p. 2108, and Wesely-Schrock pending AM4120 p. 2111 withdrawn. Hall et al pending AM4140 p. 2111 lost. Byars motion to bracket until 4/16/92 lost. Wesely pending AM4288 p. 2132 sustained division of question. Warner request if amendment germane withdrawn. Wesely motion to suspend rules to permit consideration of amendment prevailed. Wesely FA394 adopted. Wesely FA395 withdrawn. Bernard-Stevens motion to reconsider	

		AM4140 p. 2111 withdrawn. Ashford FA396 adopted. Advanced for Engrossment	2136
Apr.	9	Correctly Engrossed	2198
Apr.	9	ER7175 change	2199
Apr.	14	Baack motion to suspend rules prevailed	2239
Apr.	14	Final Reading w/E 46-0-3	2257
Apr.	14	President signed	2259
Apr.	14	Presented to Governor (4/14)	2261
Apr.	20	Approved by Governor (4/17)	2293

(Provisions/portions of LB 144 amended into LB1019 by FA394)
(Provisions/portions of LB 288 amended into LB1019 by FA394)
(Provisions/portions of LB 388 amended into LB1019 by FA394)
(Provisions/portions of LB 602 amended into LB1019 by FA371)
(Provisions/portions of LB 909 amended into LB1019 by FA370)
(Provisions/portions of LB 947 amended into LB1019 by FA394)
(Provisions/portions of LB 970 amended into LB1019 by FA370)
(Provisions/portions of LB 1016 amended into LB1019 by AM2816)
(Provisions/portions of LB 1017 amended into LB1019 by FA370)
(Provisions/portions of LB 1018 amended into LB1019 by AM2816)
(Provisions/portions of LB 1038 amended into LB1019 by FA396)
(Provisions/portions of LB 1183 amended into LB1019 by AM3366)
(Provisions/portions of LB 1234 amended into LB1019 by FA394)
(Provisions/portions of LB 1242 amended into LB1019 by FA394)
(Provisions/portions of LB 1282 amended into LB1019 by FA394)

LEGISLATIVE BILL 1019A. By Wesely

Mar.	3	Read first time. Placed on General File	1088
Apr.	7	Wesely AM4083 adopted. Advanced for Review	2012
Apr.	8	Placed on Select File	2119
Apr.	9	Advanced for Engrossment	2141
Apr.	9	Correctly Engrossed	2198
Apr.	14	Baack motion to suspend rules prevailed	2239
Apr.	14	Final Reading 42-0-7	2258
Apr.	14	President signed	2259
Apr.	14	Presented to Governor (4/14)	2261
Apr.	20	Approved by Governor (4/17)	2293

LEGISLATIVE BILL 1020. By Conway

Jan.	10	Read first time	225
Jan.	13	Referred to Committee on Natural Resources	258
Jan.	28	Notice of hearing (2/5)	514
Feb.	25	Indefinitely postponed	977

LEGISLATIVE BILL 1021. By Pirsch

Jan.	10	Read first time	225
Jan.	13	Referred to Committee on Revenue	258
Jan.	16	Notice of hearing (1/24)	326
Feb.	25	Indefinitely postponed	992

LEGISLATIVE BILL 1022. By Speaker Baack, at the request of the Governor

Jan.	10	Read first time	226
Jan.	13	Referred to Committee on Appropriations	258
Jan.	27	Notice of hearing (2/13)	495
Mar.	6	Placed on General File - Com AM3186 (printed separate)	1180
Mar.	12	Dierks AM3422 to committee AM3186 printed	1321
Mar.	18	Committee AM3186 adopted as amended by Wesely AM3536. Dierks pending AM3422 p. 1321, Crosby-Robak AM3535, and Conway AM3552 lost. Pending	1373
Mar.	18	Rasmussen AM3421 printed	1392
Mar.	18	Wickersham AM3544, Pirsch AM3553, and Pirsch AM3554 printed	1393
Mar.	19	Rasmussen pending AM3421 p. 1392 adopted. Wickersham pending AM3544 p. 1393 lost. Pirsch pending AM3553 p. 1393 adopted as amended by Moore-Bernard-Stevens FA312. Pirsch pending AM3554 p. 1393 withdrawn. Pending	1420
Mar.	19	Lamb AM3604 to AM3186 printed	1461
Mar.	20	Conway-Hall AM3590 adopted as amended by Moore FA315. Lamb pending AM3604 p. 1461 lost. Advanced for Review	1463
Mar.	23	Placed on Select File - AM5278	1523
Mar.	26	Moore AM3749 printed	1660
Mar.	31	Lynch AM3789 printed	1740
Mar.	31	Moore AM3794 to AM3749 printed	1759
Apr.	1	Moore pending AM3749 p. 1660, Lynch pending AM3789 p. 1740, Moore pending AM3794 p. 1759, and Wesely-Moore-Hall AM3894 adopted. Lynch AM3897, Ashford AM3855, and Lynch-Schrock AM3890 (on file)	

		withdrawn. Advanced for Engrossment	1813
Apr.	1	Correctly Engrossed. ER7163 change	1851
Apr.	2	Returned to Select File for Moore amendment. Moore AM3933 adopted. Advanced for Re-Engrossment	1854
Apr.	2	Correctly Re-Engrossed	1862
Apr.	6	Moore motion to suspend rules prevailed	1946
Apr.	6	Lamb, Moore, and Warner motions to return to Select File for FA366, FA367, and FA368 withdrawn. Final Reading w/E 40-2-7	1947
Apr.	6	Speaker signed	1951
Apr.	6	Presented to Governor (4/6)	1958
Apr.	13	Approved by Governor (4/11)	2205

(Provisions/portions of LB 943 amended into LB1022 by AM3186)
(Provisions/portions of LB 1047 amended into LB1022 by AM3186)
(Provisions/portions of LB 1056 amended into LB1022 by AM3186)
(Provisions/portions of LB 1088 amended into LB1022 by AM3186)
(Provisions/portions of LB 1235 amended into LB1022 by AM3186)

LEGISLATIVE BILL 1023. By Dierks, Schimek, Wehrbein

Jan.	10	Read first time	226
Jan.	13	Referred to Committee on Education	259
Jan.	14	Notice of hearing (1/21)	293
Feb.	3	Placed on General File	619
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1024. By Bernard-Stevens

Jan.	10	Read first time	226
Jan.	13	Referred to Committee on Agriculture	259
Jan.	17	Notice of hearing (2/18)	372
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1025. By Warner, Cudaback

Jan.	10	Read first time	226
Jan.	13	Referred to Committee on Revenue	259
Jan.	22	Notice of hearing (1/30)	429
Feb.	25	Placed on General File	988
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1026. By Beutler

Jan.	10	Read first time	227
Jan.	13	Referred to Committee on Revenue	259
Jan.	16	Notice of hearing (1/23)	326
Feb.	20	Revenue Committee priority bill	923
Feb.	25	Placed on General File - Com AM3065 (printed separate)	988
Apr.	3	Moore AM3599 to committee AM3065 printed	1914
Apr.	14	Indefinitely postponed	2284

(Provisions/portions of LB 1026 amended into LB1257 by AM4317)

LEGISLATIVE BILL 1027. By Beutler

Jan.	10	Read first time	227
Jan.	13	Referred to Committee on Appropriations	259
Jan.	23	Notice of hearing (1/30)	455
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1028. By Natural Resources Committee

Jan.	10	Read first time	227
Jan.	13	Referred to Committee on Natural Resources	259
Jan.	28	Notice of hearing (2/6)	515
Feb.	18	Placed on General File	884
Apr.	14	Indefinitely postponed	2284

(Provisions/portions of LB 1028 amended into LB1257 by AM3060)

LEGISLATIVE BILL 1029. By Coordsen

Jan.	13	Read first time	244
Jan.	14	Referred to Committee on Government, Military and Veterans Affairs	296
Jan.	21	Notice of hearing (1/29)	388
Jan.	30	Indefinitely postponed	578

LEGISLATIVE BILL 1030. By Coordsen

Jan.	13	Read first time	244
Jan.	14	Referred to Committee on Natural Resources	296
Jan.	22	Notice of hearing (1/31)	428
Feb.	25	Indefinitely postponed	977

LEGISLATIVE BILL 1031. By Hall

Jan.	13	Read first time	244
Jan.	14	Referred to Committee on Transportation	296

Jan.	30	Notice of hearing (2/18)	584
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1032. By Hall

Jan.	13	Read first time	244
Jan.	14	Referred to Committee on Revenue	296
Jan.	30	Notice of hearing (2/7)	583
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1033. By Landis

Jan.	13	Read first time	244
Jan.	14	Referred to Committee on Banking, Commerce and Insurance	296
Jan.	21	Notice of hearing (1/28)	388
Feb.	3	Placed on General File - Com AM2607	632
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1034. By Ashford

Jan.	13	Read first time	245
Jan.	14	Referred to Committee on Judiciary	296
Jan.	28	Notice of hearing (2/7)	526
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1035. By Chizek

Jan.	13	Read first time	245
Jan.	14	Referred to Committee on Banking, Commerce and Insurance	296
Feb.	3	Notice of hearing (2/18)	626
Feb.	20	Indefinitely postponed	919

LEGISLATIVE BILL 1036. By Ashford

Jan.	13	Read first time	247
Jan.	14	Referred to Committee on Urban Affairs	296
Jan.	28	Notice of hearing (2/4)	539
Feb.	6	Placed on General File - Com AM2756	703
Apr.	14	Indefinitely postponed	2284

(Provisions/portions of LB 1036 amended into LB 764 by AM2782)

LEGISLATIVE BILL 1037. By Ashford

Jan.	13	Read first time	247
Jan.	14	Referred to Committee on Judiciary	296
Jan.	28	Notice of hearing (2/6)	526
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1038. By Ashford

Jan.	13	Read first time	247
Jan.	14	Referred to Committee on Health and Human Services	296
Jan.	28	Notice of hearing (2/7)	539
Apr.	14	Indefinitely postponed	2284

(Provisions/portions of LB 1038 amended into LB 1019 by FA396)

LEGISLATIVE BILL 1039. By Ashford

Jan.	13	Read first time	247
Jan.	14	Referred to Committee on Judiciary	296
Jan.	28	Notice of hearing (2/7)	526
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1040. By Crosby, Landis, Schimek, Warner, Wesely

Jan.	13	Read first time	248
Jan.	14	Referred to Committee on Education	296
Jan.	16	Rereferred to Committee on Nebraska Retirement Systems	323
Jan.	21	Notice of hearing (2/4)	383
Feb.	12	Placed on General File - Com AM2753	791
Feb.	20	Nebraska Retirement Systems Committee priority bill	918
Apr.	14	Indefinitely postponed	2284

(Provisions/portions of LB 1040 amended into LB 672 by AM4294)

LEGISLATIVE BILL 1041. By Crosby

Jan.	13	Read first time	248
Jan.	14	Referred to Committee on Judiciary	296
Jan.	17	Notice of hearing (1/24)	353
Feb.	3	Placed on General File - Com AM2624	632
Feb.	21	Speaker's priority bill	948
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1042. By Crosby

Jan.	13	Read first time	248
Jan.	14	Referred to Committee on Government, Military and Veterans Affairs	296
Jan.	14	Horgan name added	304
Jan.	24	Notice of hearing (2/6)	488
Feb.	21	Placed on General File - Com AM3045	937
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1043. By Withem

Jan.	13	Read first time	248
Jan.	14	Referred to Committee on Education	296
Jan.	27	Notice of hearing (2/11)	498
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1044. By Withem, Lindsay, Lynch

Jan.	13	Read first time	248
Jan.	14	Referred to Committee on Education	296
Jan.	27	Notice of hearing (2/11)	498
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1045. By Chizek

Jan.	13	Read first time	248
Jan.	14	Referred to Committee on Education	296
Jan.	17	Notice of hearing (1/27)	350
Feb.	20	Education Committee priority bill	916
Mar.	3	Placed on General File - Com AM3206	1087
Mar.	5	Withem AM3205 printed	1165
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1046. By Bernard-Stevens

Jan.	13	Read first time	249
Jan.	14	Referred to Committee on Government, Military and Veterans Affairs	296
Jan.	21	Notice of hearing (2/5)	388
Feb.	6	Placed on General File	683
Feb.	20	Government, Military and Veterans Affairs Committee priority bill	916
Apr.	14	Indefinitely postponed	2284

(Provisions/portions of LB 1046 amended into LB 1184 by AM4331)

LEGISLATIVE BILL 1047. By Lynch

Jan.	13	Read first time	249
Jan.	14	Referred to Committee on Appropriations	296
Jan.	27	Notice of hearing (2/4)	493
Apr.	14	Indefinitely postponed	2284

(Provisions/portions of LB 1047 amended into LB 1022 by AM3186)

LEGISLATIVE BILL 1048. By Withem

Jan.	13	Read first time	266
Jan.	14	Referred to Committee on Government, Military and Veterans Affairs	296
Jan.	21	Notice of hearing (1/31)	388
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1049. By Kristensen

Jan.	13	Read first time	267
Jan.	14	Referred to Committee on Judiciary	296
Jan.	28	Notice of hearing (2/27)	527
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1050. By Lindsay

Jan.	13	Read first time	267
Jan.	14	Referred to Committee on Transportation	296
Jan.	17	Notice of hearing (1/28)	353
Feb.	13	Placed on General File - Com AM2897	842
Feb.	21	Speaker's priority bill	948
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1051. By Robak

Jan.	13	Read first time	267
Jan.	14	Referred to Committee on Government, Military and Veterans Affairs	296
Jan.	21	Notice of hearing (1/31)	388
Feb.	3	Placed on General File	638
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1052. By Robak

Jan.	13	Read first time	267
Jan.	14	Referred to Committee on General Affairs	296

Feb.	3	Notice of hearing (2/10)	620
Feb.	21	Placed on General File - Com AM3036	938
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1053. By Will

Jan.	13	Read first time	267
Jan.	14	Referred to Committee on Judiciary	296
Jan.	28	Notice of hearing (2/27)	527
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1054. By Conway

Jan.	13	Read first time	267
Jan.	14	Referred to Committee on Revenue	296
Feb.	5	Notice of hearing (2/14)	677
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1055. By Schmit, Coordsen, Dierks, Elmer, Hefner, Moore, Rogers, Schellpeper, Schrock

Jan	13	Read first time	268
Jan.	14	Referred to Committee on Revenue	296
Jan.	22	Notice of hearing (1/31)	429
Feb.	25	Indefinitely postponed	992

LEGISLATIVE BILL 1056. By Crosby, Ashford, Bernard-Stevens, Robak

Jan.	13	Read first time	268
Jan.	14	Referred to Committee on Appropriations	296
Jan.	27	Notice of hearing (2/4)	493
Apr.	14	Indefinitely postponed	2284

(Provisions/portions of LB 1056 amended into LB 1022 by AM3186)

LEGISLATIVE BILL 1057. By Nelson, Chizek, Cudaback, Hillman, Lynch, Robak

Jan.	13	Read first time	268
Jan.	14	Referred to Committee on Nebraska Retirement Systems	296
Jan.	21	Notice of hearing (2/6)	383
Jan.	22	Cudaback priority bill	431
Feb.	25	Placed on General File	969

Feb.	26	Nelson AM3120 printed	1012
Mar.	18	Nelson pending AM3120 p. 1012 adopted. Advanced for Review	1406
Mar.	20	Placed on Select File	1472
Mar.	25	Advanced for Engrossment	1581
Mar.	31	Correctly Engrossed	1720
Mar.	31	Nelson-Moore AM3779 printed	1723
Apr.	9	Nelson-Moore pending AM3779 p. 1723 withdrawn	2181
Apr.	9	Final Reading 40-0-9	2182
Apr.	9	Speaker signed	2197
Apr.	9	Presented to Governor (4/9)	2202
Apr.	20	Approved by Governor (4/15)	2286

LEGISLATIVE BILL 1058. By Morrissey, Baack, Rogers

Jan.	13	Read first time	269
Jan.	13	Wickersham and Bernard-Stevens names added	280
Jan.	14	Referred to Committee on Health and Human Services	296
Jan.	23	Notice of hearing (1/31)	467
Feb.	11	Indefinitely postponed	785

(Provisions/portions of LB 1058 amended into LB 1138 by AM2788)

LEGISLATIVE BILL 1059. By Beutler

Jan.	13	Read first time	275
Jan.	14	Referred to Committee on Judiciary	296
Jan.	23	Notice of hearing (1/31)	459
Feb.	19	Placed on General File	896
Feb.	19	Crosby priority bill	902
Mar.	31	Beutler AM3825 printed	1783
Apr.	6	Beutler pending AM3825 p. 1783 adopted. Advanced for Review	1964
Apr.	7	Placed on Select File - AM5289	2014
Apr.	8	Kristensen AM4246 printed	2103
Apr.	9	AM5289 (E & R) adopted. Beutler AM4088 and Kristensen pending AM4246 p. 2103 withdrawn. Beutler-Wickersham-Chizek-Kristensen AM4320 (on file) adopted. Advanced for Engrossment	2162
Apr.	9	Correctly Engrossed	2198
Apr.	9	ER7181 change	2200
Apr.	14	Baack motion to suspend rules prevailed	2239
Apr.	14	Final Reading 39-7-3	2264

Apr.	14	President signed	2277
Apr.	14	Presented to Governor (4/14)	2284
Apr.	20	Approved by Governor (4/17)	2293

(Provisions/portions of LB 437 amended into LB 1059 by AM4320)
(Provisions/portions of LB 1237 amended into LB 1059 by AM4320)

LEGISLATIVE BILL 1060. By Schimek, Crosby

Jan.	13	Read first time	276
Jan.	14	Referred to Committee on Education	296
Jan.	17	Notice of hearing (1/27)	350
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1061. By Will

Jan.	13	Read first time	276
Jan.	14	Referred to Committee on General Affairs	296
Jan.	17	Notice of hearing (1/27)	369
Feb.	10	Placed on General File - Com AM2781	741
Feb.	10	General Affairs Committee priority bill	746
Feb.	12	Hall AM2793 printed	820
Feb.	18	Committee AM2781 adopted as amended by Schellpeper AM2911. R. Johnson AM2920 and Robak AM2915 lost. Hall pending AM2793 p. 820 and Elmer FA269 withdrawn. Advanced for Review	872
Feb.	21	Placed on Select File - AM5265 (printed separate)	930
Mar.	5	Schellpeper AM3277 to AM5265 printed	1175
Mar.	17	Hall AM3410 to AM5265 printed	1360
Mar.	31	AM5265 (E & R) adopted. Schellpeper pending AM3277 p. 1175 sustained division of question. Schellpeper FA340 and FA341 to AM5265 adopted. Hall pending AM3410 p. 1360 pending	1736
Mar.	31	Hall pending AM3410 p. 1360 adopted. Chambers motion to bracket until 4/10/92 withdrawn. Pending	1756
Mar.	31	Lamb AM3822 withdrawn. Robak AM3437, Abboud AM3518, Moore AM3871 and Chambers FA348 lost. Schellpeper AM3864 to AM5265 adopted. Pending	1762
Mar.	31	Chambers FA349 to AM5265 adopted. Pending	1775
Mar.	31	Withem motion to indefinitely postpone	

		laid over	1777
Apr.	1	Chizek motion to reconsider AM3518 p. 1764 laid over	1818
Apr.	1	Haberman AM3883 and AM3885 printed	1826
Apr.	1	Haberman AM3906 printed	1827
Apr.	1	Haberman AM3907 printed	1828
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1062. By Landis, Baack, Bernard-Stevens, Coordsen, Hartnett, Schellpeper, Schimek

Jan.	13	Read first time	276
Jan.	14	Referred to Committee on Health and Human Services	297
Jan.	28	Notice of hearing (2/6)	539
Mar.	3	Placed on General File - Com AM2860	1087
Apr.	14	Indefinitely postponed	2284

(Provisions/portions of LB 1062 amended into LB 1184 by AM3903)

LEGISLATIVE BILL 1063. By Warner, Landis, Withem, at the request of the Governor

Jan.	13	Read first time	276
Jan.	14	Referred to Committee on Revenue	297
Jan.	22	Notice of hearing (1/31)	429
Feb.	21	Baack motion to place on General File laid over	948
Feb.	26	Baack pending motion p. 948 prevailed. Placed on General File	1005
Feb.	26	Warner-Withem-Landis AM3048 (on file) printed	1009
Feb.	26	Moore AM3138 printed	1012
Feb.	26	R. Johnson AM3097 printed	1022
Feb.	27	Hefner AM3158, and Hall FA280 and FA281 to AM3048 printed	1040
Feb.	27	Hall FA282 to AM3048 and Lamb AM3151 printed	1041
Feb.	27	Hefner AM3167 printed and Hall FA284 to AM3048 printed	1056
Feb.	27	Hall FA285 to AM3048 printed	1057
Mar.	3	Moore AM3189 printed	1068
Mar.	3	Hall AM3201 lost. Pending	1075
Mar.	3	Hall pending FA280 p. 1040 and FA285 p. 1057 withdrawn. Hall pending FA281 p. 1040, Hall pending FA284	

		p. 1056, and Hefner AM3210 to AM3048 lost. Pending	1079
Mar.	3	Wickersham AM3172 withdrawn. Elmer FA288 lost. Pending	1085
Mar.	3	Hall pending FA282 p. 1041 withdrawn. R. Johnson AM3240 to AM3048 ruled not germane. R. Johnson motion to suspend rules to permit consideration of AM3240 pending	1088
Mar.	3	Hillman AM3245 to AM3048 printed	1092
Mar.	4	R. Johnson pending motion p. 1092 lost. Pending	1108
Mar.	4	Warner-Baack-Kristensen-R. Johnson-Bernard-Stevens-Wehrbein-Landis-Withem-Conway AM3246 (on file) to AM3048 ruled germane. Challenge of Chair withdrawn. Pending	1114
Mar.	4	Hall request for division of question on AM3246 sustained. Warner et al FA289 to AM3048 adopted. Warner et al FA290 ruled germane to AM3048 -- Hall challenge of Chair lost. Haberman request for ruling ruled out of order. Warner et al FA290 to AM3048 adopted. Pending	1116
Mar.	4	Cudaback explanation of vote. Warner et al FA291 to AM3048 adopted	1134
Mar.	4	Warner AM3257 and AM3252 to AM3048 adopted. Warner et al pending AM3048 p. 1009 adopted as amended. Pending	1149
Mar.	5	Moore pending AM3138 p. 1012, R. Johnson pending AM3097 p. 1022, Hefner pending AM3158 p. 1040 and AM3167 p. 1056, Lamb pending AM3151 p. 1041, and Moore pending AM3189 p. 1068 withdrawn. Elmer AM3218 (on file) lost. Coordsen FA293 pending	1157
Mar.	5	Coordsen pending FA293 p. 1159 lost. Hall-Schmit motion to indefinitely postpone lost. Advanced for Review	1161
Mar.	5	Expedited	1164
Mar.	5	Moore AM3276 printed	1169
Mar.	5	Wickersham AM3266 to AM3048 printed	1177
Mar.	5	Wickersham AM3272 printed	1178
Mar.	6	Lamb AM3199 to AM3048 and Warner AM3275 printed	1196
Mar.	6	Placed on Select File - AM5267	1203

		(printed separate)	
Mar.	9	AM5267 (E & R) adopted. Hillman pending AM3245 p. 1092 lost. Pending	1211
Mar.	9	Moore pending AM3276 p. 1169 passed over. Moore AM3296 lost. Pending	1213
Mar.	9	Wickersham request to substitute amendment prevailed. Wickersham pending AM3266 p. 1177 withdrawn. Wickersham substitute AM3294 to AM5267 adopted. Withem FA302 withdrawn. Wickersham pending AM3272 p. 1178 lost. Lamb request to substitute amendment prevailed. Lamb pending AM3199 p. 1196 withdrawn. Lamb substitute AM3292 to AM5267 adopted. Point of order -- Warner pending AM3275 p. 1196 ruled germane and withdrawn. Lynch FA303, Wickersham AM3300, Schmit AM3365, and AM3328 lost. Pending	1225
Mar.	9	Moore pending AM3276 p. 1169 and Schmit AM3329 withdrawn. Hall-Moore AM3299 (on file) pending	1240
Mar.	9	Hall-Moore pending AM3299 p. 1241 lost. Lindsay-Lamb AM3371 adopted. Schmit FA304 withdrawn. Pending	1242
Mar.	9	Schmit AM3310 to AM5267 pending	1251
Mar.	9	Schmit pending AM3310 p. 1251 lost. Schmit AM3309 to AM5267 pending	1252
Mar.	9	Schmit pending AM3309 p. 1253 lost. Pending	1253
Mar.	10	Schmit AM3316 to AM5267 lost. Pending	1261
Mar.	10	Schmit AM3317 to AM5267 pending	1262
Mar.	10	Schmit pending AM3317 p. 1262, AM3315, and AM3313 lost. Pending	1263
Mar.	10	Schmit AM3311, FA306 and AM3318 lost. Dierks AM3360 (on file) withdrawn. Withem-Landis motion to reconsider AM3371 p. 1243 prevailed. Point of order -- Schmit challenge of Chair withdrawn. Withem motion to suspend rules and vote on AM3371 without debate prevailed. Lindsay-Lamb reoffered AM3371 p. 1243 adopted as amended by Landis-Coordsen FA307. Warner motion to invoke cloture prevailed. Hall motion to reconsider amendment ruled out of order. Hall motion to overrule Chair lost. Hall and Withem points of order. Moore motion to reconsider cloture motion	

		ruled out of order. Lindsay point of order. Advanced for Engrossment	1265
Mar.	10	Correctly Engrossed	1273
Mar.	10	ER7156 change	1274
Mar.	10	Moore AM3441 to AM5267 printed	1275
Mar.	11	Cudaback AM3459 printed	1301
Mar.	12	Baack motion to suspend rules and permit consideration on Final Reading prevailed. Moore request for division of question ruled out of order	1308
Mar.	12	Baack motion to suspend rules and vote without debate prevailed	1309
Mar.	12	Final Reading w/E 33-15-1	1310
Mar.	12	President signed	1323
Mar.	17	Presented to Governor (3/12)	1335
Mar.	18	Approved by Governor (3/18)	1396

LEGISLATIVE BILL 1063A. By Warner

Mar.	9	Read first time. Placed on General File	1250
Mar.	12	Warner AM3460 printed	1313
Apr.	1	Warner pending AM3460 p. 1313 adopted. Advanced for Review	1799
Apr.	2	Placed on Select File	1862
Apr.	8	Hall-Warner AM4105 printed	2089
Apr.	9	Warner-Hall pending AM4105 p. 2089 adopted. Advanced for Engrossment	2136
Apr.	9	Correctly Engrossed	2188
Apr.	9	ER7174 change	2190
Apr.	14	Baack motion to suspend rules prevailed	2239
Apr.	14	Final Reading w/E 43-0-6	2265
Apr.	14	President signed	2277
Apr.	14	Presented to Governor (4/14)	2284
Apr.	20	Approved by Governor (4/17)	2293

LEGISLATIVE BILL 1064. By Coordsen

Jan.	13	Read first time	277
Jan.	14	Referred to Committee on Business and Labor	297
Jan.	27	Notice of hearing (2/3)	491
Feb.	20	Business and Labor Committee priority bill	928
Feb.	25	Placed on General File - Com AM3075	968
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1065. By Transportation Committee

Jan.	14	Read first time	283
Jan.	16	Referred to Committee on Transportation	323
Jan.	17	Notice of hearing (1/27)	353
Feb.	13	Placed on General File - Com AM2562	842
Feb.	19	Transportation Committee priority bill	907
Apr.	14	Indefinitely postponed	2284

(Provisions/portions of LB 1065 amended into LB 319 by AM3715)

LEGISLATIVE BILL 1066. By Transportation Committee

Jan.	14	Read first time	283
Jan.	16	Referred to Committee on Transportation	323
Jan.	30	Notice of hearing (2/10)	584
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1067. By Transportation Committee

Jan.	14	Read first time	283
Jan.	16	Referred to Committee on Transportation	323
Jan.	17	Notice of hearing (1/27)	353
Feb.	11	Placed on General File	782
Feb.	19	Transportation Committee priority bill	907
Mar.	18	Lamb AM3493 printed	1395
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1068. By Transportation Committee

Jan.	14	Read first time	284
Jan.	16	Referred to Committee on Transportation	323
Jan.	30	Notice of hearing (2/18)	584
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1069. By Transportation Committee

Jan.	14	Read first time	284
Jan.	16	Referred to Committee on Transportation	323
Jan.	30	Notice of hearing (2/10)	584
Feb.	13	Placed on General File	842
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1070. By Transportation Committee

Jan.	14	Read first time	284
Jan.	16	Referred to Committee on Transportation	323

Jan.	30	Notice of hearing (2/10)	584
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1071. By Dierks

Jan.	14	Read first time	284
Jan.	16	Referred to Committee on Education	323
Jan.	27	Notice of hearing (2/3)	498
Feb.	5	Placed on General File - Com AM2722	663
Feb.	21	Speaker's priority bill	948
Apr.	14	Indefinitely postponed	2284

(Provisions/portions of LB 1071 amended into LB 1001 by AM5290)

LEGISLATIVE BILL 1072. By Warner

Jan.	14	Read first time	284
Jan.	16	Referred to Committee on Education	323
Jan.	27	Notice of hearing (2/3)	498
Feb.	5	Placed on General File - Com AM2628 (printed separate)	663
Feb.	21	Speaker's priority bill	948
Mar.	26	Warner AM3584 printed	1629
Apr.	14	Indefinitely postponed	2284

(Provisions/portions of LB 1072 amended into LB 1001 by AM5290)

LEGISLATIVE BILL 1073. By Warner, Bohlke, Coordsen, Lindsay, Robak, Schrock

Jan.	14	Read first time	287
Jan.	16	Referred to Committee on Government, Military and Veterans Affairs	323
Jan.	24	Notice of hearing (2/12)	488
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1074. By Haberman

Jan.	14	Read first time	287
Jan.	16	Referred to Committee on Banking, Commerce and Insurance	323
Jan.	24	Notice of hearing (2/3)	487
Feb.	5	Placed on General File	678
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1075. By Lindsay

Jan.	14	Read first time	287
Jan.	16	Referred to Committee on Banking, Commerce and Insurance	323
Jan.	24	Notice of hearing (2/3)	487
Feb.	5	Placed on General File	678
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1076. By Moore

Jan.	14	Read first time	287
Jan.	16	Referred to Committee on Health and Human Services	323
Feb.	7	Notice of hearing (2/20)	732
Feb.	26	Indefinitely postponed	1006

LEGISLATIVE BILL 1077. By Moore

Jan.	14	Read first time	287
Jan.	16	Referred to Committee on Health and Human Services	323
Feb.	7	Notice of hearing (2/20)	732
Feb.	26	Indefinitely postponed	1006

LEGISLATIVE BILL 1078. By Moore

Jan.	14	Read first time	288
Jan.	16	Referred to Committee on Health and Human Services	323
Feb.	7	Notice of hearing (2/20)	732
Feb.	26	Indefinitely postponed	1006

LEGISLATIVE BILL 1079. By Moore

Jan.	14	Read first time	288
Jan.	16	Referred to Committee on Health and Human Services	323
Feb.	7	Notice of hearing (2/20)	732
Feb.	26	Indefinitely postponed	1006

LEGISLATIVE BILL 1080. By Moore

Jan.	14	Read first time	288
Jan.	16	Referred to Committee on Health and	

		Human Services	323
Feb.	7	Notice of hearing (2/20)	732
Feb.	26	Indefinitely postponed	1006

LEGISLATIVE BILL 1081. By Robinson

Jan.	14	Read first time	288
Jan.	16	Referred to Committee on Government, Military and Veterans Affairs	323
Jan.	23	Conway name added	469
Jan.	24	Notice of hearing (2/6)	488
Feb.	10	Placed on General File	748
Feb.	21	Speaker's priority bill	948
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1082. By Wesely, Hillman

Jan.	14	Read first time	288
Jan.	16	Referred to Committee on Education	323
Jan.	16	Rereferred to Committee on Appropriations	336
Jan.	27	Notice of hearing (2/4) (by Appropriations com)	493
Jan.	27	Notice of hearing (2/18) (by Education com)	498
Jan.	28	Notice of hearing (2/18) (by Education com) (Cancel)	539
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1083. By Haberman

Jan.	14	Read first time	288
Jan.	16	Referred to Committee on Revenue	323
Jan.	16	Notice of hearing (1/24)	327
Feb.	18	Indefinitely postponed	888

LEGISLATIVE BILL 1084. By Rasmussen

Jan.	14	Read first time	289
Jan.	16	Referred to Committee on Business and Labor	323
Jan.	27	Notice of hearing (2/10)	491
Feb.	21	Speaker's priority bill	948
Feb.	25	Placed on General File - Com AM3033	969
Mar.	12	Rasmussen AM3264 printed	1313
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1085. By Chizek

Jan.	14	Read first time	289
Jan.	16	Referred to Committee on Banking, Commerce and Insurance	323
Feb.	3	Notice of hearing (2/18)	626
Feb.	20	Indefinitely postponed	919

LEGISLATIVE BILL 1086. By Wesely, Rasmussen, Will

Jan.	14	Read first time	289
Jan.	16	Referred to Committee on Education	323
Jan.	17	Notice of hearing (1/27)	350
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1087. By Lynch, Nelson

Jan.	14	Read first time	295
Jan.	16	Referred to Committee on Urban Affairs	323
Jan.	28	Notice of hearing (2/4)	539
Feb.	6	Placed on General File - Com AM2711	705
Apr.	14	Indefinitely postponed	2284

(Provisions/portions of LB 1087 amended into LB 933 by AM2817)

LEGISLATIVE BILL 1088. By Lynch, Ashford, Crosby, Robinson

Jan.	14	Read first time	295
Jan.	16	Referred to Committee on Appropriations	323
Jan.	27	Notice of hearing (2/13)	495
Apr.	14	Indefinitely postponed	2284

(Provisions/portions of LB 1088 amended into LB 1022 by AM3186)

LEGISLATIVE BILL 1089. By Lynch

Jan.	14	Read first time	300
Jan.	16	Referred to Committee on Banking, Commerce and Insurance	323
Jan.	24	Notice of hearing (2/3)	487
Feb.	5	Placed on General File	678
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1090. By Hall

Jan.	14	Read first time	300
Jan.	16	Referred to Committee on Revenue	323
Jan.	16	Notice of hearing (1/23)	326
Feb.	25	Indefinitely postponed	992

LEGISLATIVE BILL 1091. By Lynch

Jan.	14	Read first time	300
Jan.	16	Referred to Committee on Transportation	323
Jan.	17	Notice of hearing (1/27)	352
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1092. By Schellpeper

Jan.	14	Read first time	300
Jan.	16	Referred to Committee on Transportation	323
Jan.	30	Notice of hearing (2/11)	584
Feb.	20	Schellpeper priority bill	917
Feb.	21	Placed on General File - Com AM2990 (printed separate)	947
Mar.	4	Conway AM3222 to committee AM2990 printed	1114
Mar.	19	Ashford AM3261 to committee AM2990 printed	1454
Mar.	31	Ashford AM3842 to AM3261 printed	1759
Apr.	1	Ashford AM3888 to committee AM2990 printed	1850
Apr.	2	Ashford AM3971 to committee AM2990 printed	1872
Apr.	6	Conway pending AM3222 p. 1114 and Lindsay AM3916 (on file) withdrawn. Robak AM4046 (on file) to committee AM2990 adopted. Hall FA369 to committee AM2990 pending	1993
Apr.	6	Kristensen AM3714 (on file) printed	1995
Apr.	7	Hall request to substitute amendment prevailed. Hall pending FA369 p. 1994 withdrawn. Hall substitute FA372 to committee AM2990 adopted. Ashford pending AM3261 p. 1454, AM3842 p. 1759 and AM3888 p. 1850 withdrawn. Ashford pending AM3971 p. 1872 ruled not germane. Ashford motion to suspend rules to permit consideration of AM3971 lost. Pending	2015
Apr.	7	Kristensen pending AM3714 p. 1995 withdrawn. Kristensen FA373 to committee AM2990 adopted. Bernard-Stevens request for division of question on committee AM2990 sustained. Committee FA374 adopted as amended by Chambers FA376 and FA377. Committee FA375 adopted as amended. Advanced for Review	2021
Apr.	8	Cudaback AM3757 printed	2083
Apr.	8	Chambers FA386 and FA387 to AM2990 printed	2113

Apr.	8	Placed on Select File - AM5296 (printed separate)	2119
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1092A. By Schellpeper

Mar.	4	Read first time. Placed on General File	1110
Mar.	26	Moore AM3744 printed	1632
Apr.	2	Ashford AM3972 printed	1872
Apr.	7	Advanced for Review	2023
Apr.	8	Placed on Select File - AM5297	2119
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1093. By Schellpeper

Jan.	14	Read first time	301
Jan.	16	Referred to Committee on Urban Affairs	323
Jan.	28	Notice of hearing (2/4)	539
Feb.	6	Placed on General File	710
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1094. By Schellpeper

Jan.	14	Read first time	301
Jan.	16	Referred to Committee on Revenue	323
Jan.	16	Notice of hearing (1/23)	326
Feb.	18	Indefinitely postponed	888

LEGISLATIVE BILL 1095. By Robak, Hillman

Jan.	14	Read first time	301
Jan.	16	Referred to Committee on Transportation	323
Jan.	17	Notice of hearing (1/28)	353
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1096. By Robak, Hartnett

Jan.	14	Read first time	301
Jan.	16	Referred to Committee on Transportation	323
Jan.	17	Notice of hearing (1/27)	352
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1097. By Robak, Crosby, Hartnett, Hillman

Jan.	14	Read first time	302
Jan.	16	Referred to Committee on Transportation	323
Jan.	17	Notice of hearing (1/27)	352
Mar.	11	Placed on General File - Com AM3274 (printed separate)	1293
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1098. By Robak, Pirsch, Schimek

Jan.	14	Read first time	302
Jan.	16	Referred to Committee on Judiciary	323
Jan.	28	Notice of hearing (2/26)	527
Feb.	20	Robak priority bill	918
Mar.	4	Placed on General File - Com AM3161	1110
Mar.	11	Chizek AM3381 to committee AM3161 printed	1283
Mar.	19	Robak AM3572 to committee AM3161 printed	1428
Apr.	7	Committee AM3161 adopted. Advanced for Review	2035
Apr.	8	Placed on Select File - AM5295	2119
Apr.	9	AM5295 (E & R) adopted. Chizek pending AM3381 p. 1283 and Robak pending AM3572 p. 1428 withdrawn. Advanced for Engrossment	2141
Apr.	9	Correctly Engrossed	2188
Apr.	14	Baack motion to suspend rules prevailed	2239
Apr.	14	Beutler motion to return to Select File for AM4106 lost	2266
Apr.	14	Chambers motion to return to Select File for FA404 lost	2267
Apr.	14	Final Reading 44-2-3	2268
Apr.	14	President signed	2277
Apr.	14	Presented to Governor (4/14)	2284
Apr.	20	Approved by Governor (4/17)	2290

LEGISLATIVE BILL 1099. By Withem, Labedz

Jan.	14	Read first time	302
Jan.	16	Referred to Committee on Health and Human Services	323
Jan.	21	Will name added	400
Jan.	23	Notice of hearing (1/30)	467
Feb.	10	Withem priority bill	746
Feb.	11	Placed on General File - Com AM2688	783
Mar.	25	Committee AM2688 adopted.	

		Advanced for Review	1594
Mar.	31	Placed on Select File - AM5282	1761
Apr.	8	AM5282 (E & R) adopted. Advanced for Engrossment	2102
Apr.	9	Correctly Engrossed	2142
Apr.	14	Baack motion to suspend rules prevailed	2239
Apr.	14	Final Reading 44-0-5	2269
Apr.	14	President signed	2277
Apr.	14	Presented to Governor (4/14)	2284
Apr.	20	Approved by Governor (4/15)	2286

LEGISLATIVE BILL 1099A. By Withem

Feb.	26	Read first time. Placed on General File	1022
Mar.	25	Advanced for Review	1595
Mar.	31	Placed on Select File	1762
Apr.	8	Advanced for Engrossment	2102
Apr.	9	Correctly Engrossed	2142
Apr.	14	Baack motion to suspend rules prevailed	2239
Apr.	14	Final Reading 44-0-5	2269
Apr.	14	President signed	2277
Apr.	14	Presented to Governor (4/14)	2284
Apr.	20	Approved by Governor (4/15)	2286

LEGISLATIVE BILL 1100. By Will, Hall, Labedz, Lindsay

Jan.	14	Read first time	302
Jan.	16	Referred to Committee on Revenue	323
Jan.	30	Notice of hearing (2/12)	584
Feb.	20	Placed on General File	925
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1101. By Labedz

Jan.	14	Read first time	302
Jan.	16	Referred to Committee on Natural Resources	323
Jan.	28	Notice of hearing (2/5)	514
Feb.	25	Placed on General File - Com AM2969	971
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1102. By Hefner, Pirsch

Jan.	14	Read first time	303
Jan.	16	Referred to Committee on Business and Labor	324

Jan.	27	Notice of hearing (2/10)	492
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1103. By Schimek, Chizek

Jan.	14	Read first time	303
Jan.	16	Referred to Committee on Judiciary	324
Jan.	22	Notice of hearing (1/29)	428
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1104. By Kristensen, Crosby

Jan.	14	Read first time	303
Jan.	16	Referred to Committee on Appropriations	324
Jan.	16	Cudaback name added	348
Jan.	27	Notice of hearing (2/3)	493
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1105. By Will, Hall

Jan.	15	Read first time	313
Jan.	16	Referred to Committee on Urban Affairs	336
Jan.	28	Notice of hearing (2/4)	539
Feb.	6	Placed on General File - Com AM2757	715
Apr.	14	Indefinitely postponed	2284

(Provisions/portions of LB 1105 amended into LB 415 by AM2906)

LEGISLATIVE BILL 1106. By Conway

Jan.	15	Read first time	314
Jan.	16	Referred to Committee on Urban Affairs	336
Jan.	28	Notice of hearing (2/4)	539
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1107. By Chizek

Jan.	15	Read first time	314
Jan.	16	Referred to Committee on Judiciary	336
Jan.	28	Notice of hearing (2/26)	527
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1108. By Chizek

Jan.	15	Read first time	314
Jan.	16	Referred to Committee on Nebraska	

		Retirement Systems	336
Jan.	21	Notice of hearing (2/11)	383
Feb.	27	Placed on General File - Com AM3086	1039
Apr.	14	Indefinitely postponed	2284

(Provisions/portions of LB 1108 amended into LB 672 by AM4294)

LEGISLATIVE BILL 1109. By Chizek

Jan.	15	Read first time	314
Jan.	16	Referred to Committee on Judiciary	336
Jan.	22	Notice of hearing (1/29)	428
Feb.	20	Judiciary Committee priority bill	923
Feb.	25	Placed on General File	986
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1110. By Withem, Abboud

Jan.	15	Read first time	314
Jan.	16	Referred to Committee on Government, Military and Veterans Affairs	336
Jan.	24	Notice of hearing (2/12)	488
Feb.	13	Placed on General File	841
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1111. By Schrock, Cudaback, Hillman, Lamb, Schmit

Jan.	15	Read first time	314
Jan.	16	Referred to Committee on Transportation	336
Jan.	27	Notice of hearing (2/4)	498
Feb.	11	Indefinitely postponed	782

LEGISLATIVE BILL 1112. By Byars

Jan.	15	Read first time	315
Jan.	16	Referred to Committee on Banking, Commerce and Insurance	336
Feb.	3	Notice of hearing (2/10)	626
Feb.	12	Indefinitely postponed	815

LEGISLATIVE BILL 1113. By Crosby, Landis, Wesely

Jan.	15	Read first time	315
Jan.	16	Referred to Committee on Banking,	

		Commerce and Insurance	336
Jan.	17	Notice of hearing (1/27)	353
Feb.	3	Placed on General File - Com AM2591	633
Feb.	20	Banking, Commerce and Insurance Committee priority bill	923
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1113A. By Crosby

Feb.	6	Read first time. Placed on General File	716
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1114. By R. Johnson

Jan.	15	Read first time	317
Jan.	16	Referred to Committee on Natural Resources	336
Jan.	22	Notice of hearing (1/31)	428
Feb.	20	R. Johnson priority bill	923
Feb.	25	Placed on General File - Com AM2979 (printed separate)	972
Mar.	31	Elmer FA344, FA345, FA346, and FA347 to committee AM2979 printed	1758
Apr.	1	Elmer FA350 printed	1811
Apr.	6	Haberman AM4074 to committee AM2979 printed	1978
Apr.	6	Schmit AM4081, AM4079 and AM4080 to committee AM2979 printed	1981
Apr.	6	Schmit AM4082 to committee AM2979 printed	1982
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1114A. By R. Johnson

Mar.	11	Read first time. Placed on General File	1287
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1115. By Urban Affairs Committee

Jan.	15	Read first time	317
Jan.	16	Referred to Committee on Urban Affairs	336
Jan.	21	Notice of hearing (1/28)	389
Jan.	29	Placed on General File	551
Feb.	7	Advanced for Review	730
Feb.	11	Placed on Select File	764
Feb.	18	Beutler FA268 adopted. Advanced for Engrossment	872
Feb.	20	Correctly Engrossed	921

Feb.	20	ER7151 change	922
Mar.	4	Hartnett AM3078 printed	1130
Apr.	13	Hartnett pending AM3078 p. 1130 withdrawn. Final Reading 43-0-6	2220
Apr.	13	President signed	2231
Apr.	14	Presented to Governor (4/13)	2238
Apr.	20	Approved by Governor (4/15)	2287

LEGISLATIVE BILL 1116. By Urban Affairs Committee

Jan.	15	Read first time	318
Jan.	16	Referred to Committee on Urban Affairs	336
Jan.	21	Notice of hearing (1/28)	389
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1117. By Will

Jan.	15	Read first time	318
Jan.	16	Referred to Committee on Government, Military and Veterans Affairs	336
Jan.	24	Notice of hearing (2/6)	488
Jan.	28	Notice of hearing (2/12) (Reset)	526
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1118. By Wesely, Chizek

Jan.	15	Read first time	318
Jan.	16	Referred to Committee on Judiciary	336
Jan.	28	Notice of hearing (2/5)	526
Feb.	19	Indefinitely postponed	896

LEGISLATIVE BILL 1119. By Conway

Jan.	15	Read first time	318
Jan.	16	Referred to Committee on Revenue	336
Jan.	29	Notice of hearing (2/5)	550
Feb.	18	Indefinitely postponed	888

LEGISLATIVE BILL 1120. By Hall

Jan.	15	Read first time	319
Jan.	16	Referred to Committee on Revenue	336
Jan.	22	Notice of hearing (1/31)	429
Feb.	18	Withem-Landis AM2950, AM2968, AM2952, and	

	AM2953 to committee amendment printed	880
Feb. 18	Withem AM2967 to committee amendment printed	882
Feb. 18	Withem AM2965 and AM2966 to committee amendment printed	883
Feb. 19	Placed on General File - Com AM2905 (printed separate)	891
Feb. 19	Haberman AM2972 to committee AM2905 printed	899
Feb. 19	Withem AM3001 to committee AM2905 printed separate	903
Feb. 19	Hillman AM2995 to committee AM2905 printed	906
Feb. 20	Hall AM2988 to committee AM2905 (on file) pending	917
Feb. 20	Hall pending AM2988 p. 917 lost. Pending	920
Feb. 20	Hall AM3008 (printed separate) and Withem-Landis pending AM2950 p. 880 to committee AM2905 adopted. Pending	923
Feb. 20	Moore name added	929
Feb. 21	Withem request to substitute amendment prevailed. Withem-Landis pending AM2968 p. 880 withdrawn. Kristensen substitute AM3028 to committee AM2905 adopted. Pending	935
Feb. 21	Withem-Landis pending AM2952 p. 880, AM2953 p. 880, Withem pending AM2967 p. 882, AM2965 p. 883, AM2966 p. 883, and AM3001 p. 903 withdrawn. Hillman pending AM2995 p. 906 to committee AM2905 adopted. Haberman pending AM2972 p. 899 lost. R. Johnson AM3071 to committee AM2905 pending	945
Feb. 24	R. Johnson pending AM3071 p. 947 and Moore AM3093 to committee AM2905 adopted. Lynch reoffered AM3001 p. 903 to committee AM2905 pending	959
Feb. 25	Lynch pending AM3001 p. 903 withdrawn. Hall AM3117 (on file) lost. Pending	983
Feb. 25	Hall FA277 lost. Committee AM2905 lost as amended. Pending	986
Feb. 26	Hartnett explanation of vote	1002
Feb. 27	Ashford AM3109 (on file), amended by Ashford AM3123, sustained division of question. Ashford FA278 pending	1038
Feb. 27	Coordsen FA283 to FA278 withdrawn. Ashford pending FA278 p. 1038 adopted. Ashford FA279 and Schellpeper AM3171 to FA279	

		pending	1048
Feb.	27	Schellpeper pending AM3171 p. 1049 sustained division of question. Schellpeper FA286 lost. Schellpeper FA287 withdrawn. Ashford pending FA279 p. 1049 lost as amended. Hall motion to indefinitely postpone laid over	1057
Mar.	5	Hall pending motion p. 1066 lost. Hall AM3122 (on file) lost. Bracketed until 3/16/92	1166
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1120A. By Hall, Moore

Feb.	25	Read first time. Placed on General File	1000
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1121. By Hall, Baack, Moore, Rogers

Jan.	15	Read first time	319
Jan.	16	Referred to Committee on Revenue	336
Jan.	22	Notice of hearing (1/30)	429
Feb.	25	Indefinitely postponed	992

LEGISLATIVE BILL 1122. By Beutler

Jan.	15	Read first time	319
Jan.	16	Referred to Committee on Natural Resources	336
Jan.	28	Notice of hearing (2/6)	515
Feb.	20	Natural Resources Committee priority bill	928
Feb.	25	Placed on General File - Com AM3059	972
Apr.	14	Indefinitely postponed	2284

(Provisions/portions of LB 1122 amended into LB 1257 by AM4206)

LEGISLATIVE BILL 1122A. By Beutler

Mar.	12	Read first time. Placed on General File	1312
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1123. By Withem

Jan.	16	Read first time	324
Jan.	17	Referred to Committee on Revenue	369
Jan.	21	Bernard-Stevens name added	400

Jan.	30	Notice of hearing (2/12)	584
Feb.	25	Indefinitely postponed	992

LEGISLATIVE BILL 1124. By Withem

Jan.	16	Read first time	324
Jan.	17	Referred to Committee on Education	369
Jan.	21	Notice of hearing (1/28)	384
Feb.	3	Placed on General File	619
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1125. By Withem

Jan.	16	Read first time	325
Jan.	17	Referred to Committee on Education	369
Jan.	21	Notice of hearing (1/28)	384
Feb.	20	Education Committee priority bill	916
Mar.	4	Placed on General File - Com AM3208 (printed separate)	1125
Mar.	6	Withem-Schrock AM3251 printed	1195
Mar.	18	Baack AM3525 to committee AM3208 printed	1382
Apr.	14	Indefinitely postponed	2284

(Provisions/portions of LB 1125 amended into LB 719 by FA356)
(Provisions/portions of LB 1125 amended into LB 1001 by AM5290)

LEGISLATIVE BILL 1126. By Robak

Jan.	16	Read first time	325
Jan.	17	Referred to Committee on Business and Labor	369
Jan.	27	Notice of hearing (2/3)	491
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1127. By Chizek

Jan.	16	Read first time	330
Jan.	17	Referred to Committee on Judiciary	369
Jan.	23	Notice of hearing (1/30)	459
Mar.	17	Attorney General's Opinion #92042 to Schimek	1335
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1128. By Schellpeper

Jan.	16	Read first time	330
Jan.	17	Referred to Committee on General Affairs.	

		Notice of hearing (1/27)	369
Feb.	24	Attorney General's Opinion #92028 to Lamb	953
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1129. By Schellpeper

Jan.	16	Read first time	330
Jan.	17	Referred to Committee on General Affairs. Notice of hearing (1/27)	369
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1130. By General Affairs Committee

Jan.	16	Read first time	330
Jan.	17	Referred to Committee on General Affairs	369
Jan.	27	Notice of hearing (2/3)	508
Feb.	7	Placed on General File	737
Feb.	20	General Affairs Committee priority bill	918
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1131. By General Affairs Committee

Jan.	16	Read first time	331
Jan.	17	Referred to Committee on General Affairs	369
Jan.	27	Notice of hearing (2/3)	508
Feb.	7	Placed on General File	737
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1132. By Lindsay, Landis

Jan.	16	Read first time	331
Jan.	17	Referred to Committee on Education	369
Jan.	21	Rereferred to Committee on Banking, Commerce and Insurance	396
Jan.	24	Notice of hearing (2/3)	487
Feb.	12	Placed on General File - Com AM2740	814
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1133. By Conway

Jan.	16	Read first time	331
Jan.	17	Referred to Committee on Government, Military and Veterans Affairs	369
Jan.	21	Notice of hearing (1/29)	388

Jan.	31	Placed on General File - Com AM2640	593
Feb.	20	Government, Military and Veterans Affairs Committee priority bill	916
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1133A. By Conway

Feb.	3	Read first time. Placed on General File	625
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1134. By Conway

Jan.	16	Read first time	331
Jan.	17	Referred to Committee on Government, Military and Veterans Affairs	369
Jan.	24	Notice of hearing (2/7)	488
Feb.	10	Placed on General File	748
Feb.	21	Speaker's priority bill	948
Apr.	14	Indefinitely postponed	2248

LEGISLATIVE BILL 1135. By Conway

Jan.	16	Read first time	332
Jan.	17	Referred to Committee on Revenue	369
Jan.	30	Notice of hearing (2/6)	583
Feb.	19	Conway priority bill	902
Feb.	20	Placed on General File - Com AM3000	925
Mar.	19	Hall-Conway AM3515 to committee AM3000 printed	1435
Mar.	26	Hall AM3625 to AM3515 printed	1708
Apr.	1	Committee AM3000 adopted as amended by Hall-Conway pending AM3515 p. 1435 and Hall AM3625 p. 1708. Pending	1829
Apr.	1	Byars AM3817 ruled germane and lost. Lindsay motion to bracket until 4/16/92 lost. Chambers motion to indefinitely postponed prevailed	1837

LEGISLATIVE BILL 1135A. By Conway

Mar.	17	Read first time. Placed on General File	1351
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1136. By Coordsen

Jan.	16	Read first time	332
Jan.	17	Referred to Committee on Business and Labor	369
Jan.	27	Notice of hearing (2/3)	491
Feb.	5	Placed on General File - Com AM2661	666
Apr.	14	Indefinitely postponed	2284

(Provisions/portions of LB 1136 amended into LB 1006 by AM3790)

LEGISLATIVE BILL 1137. By Will

Jan.	16	Read first time	332
Jan.	17	Referred to Committee on General Affairs	369
Jan.	27	Notice of hearing (2/3)	508
Feb.	7	Placed on General File - Com AM2721	732
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1138. By Rogers, Bernard-Stevens, Beyer, Dierks, Elmer, Hillman, R. Johnson, Lamb, Morrissey, Peterson, Wickersham, Withem

Jan.	16	Read first time	333
Jan.	17	Referred to Committee on Health and Human Services	369
Jan.	23	Notice of hearing (1/31)	467
Feb.	6	Rogers priority bill	706
Feb.	11	Placed on General File - Com AM2788 (printed separate)	783
Mar.	6	Committee AM2788 adopted. Advanced for Review	1192
Mar.	17	Placed on Select File - AM5271	1333
Mar.	20	Wesely-Morrissey AM3576 to committee AM2788 printed	1494
Mar.	20	Wesely AM3521 to committee AM2788 printed	1496
Mar.	20	Rogers-Morrissey AM3597 to committee AM2788 printed	1503
Mar.	26	AM5271 (E & R) adopted. Wesely-Morrissey pending AM3576 p. 1494, Wesely pending AM3521 p. 1496 and Morrissey FA336 adopted. Rogers-Morrissey pending AM3597 p. 1503 withdrawn. Advanced for Engrossment	1633
Mar.	31	Correctly Engrossed	1769
Mar.	31	ER7161 change	1770
Apr.	8	Final Reading 39-0-10	2072
Apr.	8	Speaker signed	2076
Apr.	8	Kristensen explanation of vote.	

		Presented to Governor (4/8)	2080
Apr.	14	Approved by Governor (4/14)	2259

(Provisions/portions of LB 1058 amended into LB 1138 by AM2788)

LEGISLATIVE BILL 1138A. By Rogers

Mar.	5	Read first time. Placed on General File	1161
Mar.	6	Advanced for Review	1194
Mar.	17	Placed on Select File	1335
Mar.	25	Rogers-Morrissey AM3600 printed	1590
Mar.	26	Rogers-Morrissey pending AM3600 p. 1590 adopted. Advanced for Engrossment	1634
Mar.	31	Correctly Engrossed	1769
Apr.	8	Final Reading 39-0-10	2073
Apr.	8	Speaker signed	2076
Apr.	8	Kristensen explanation of vote. Presented to Governor (4/8)	2080
Apr.	14	Approved by Governor (4/14)	2259

LEGISLATIVE BILL 1139. By Schrock, Elmer, R. Johnson, Lamb, Wehrbein

Jan.	16	Read first time	333
Jan.	17	Referred to Committee on Natural Resources	369
Jan.	22	Notice of hearing (1/31)	428
Feb.	18	Indefinitely postponed	884

LEGISLATIVE BILL 1140. By Warner

Jan.	16	Read first time	333
Jan.	17	Referred to Committee on Government, Military and Veterans Affairs	369
Jan.	24	Notice of hearing (2/13)	488
Feb.	18	Placed on General File	867
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1141. By Beutler

Jan.	16	Read first time	346
Jan.	17	Referred to Committee on Revenue	369
Jan.	30	Notice of hearing (2/7)	583
Feb.	25	Indefinitely postponed	992

LEGISLATIVE BILL 1142. By Beutler

Jan. 16 Read first time 346
Jan. 17 Referred to Committee on Natural Resources 369
Feb. 3 Notice of hearing (2/20) 626
Apr. 14 Indefinitely postponed 2284

LEGISLATIVE BILL 1143. By Beutler

Jan. 16 Read first time 346
Jan. 17 Referred to Committee on Natural Resources 369
Feb. 3 Notice of hearing (2/19) 626
Feb. 25 Indefinitely postponed 977

LEGISLATIVE BILL 1144. By Schellpeper

Jan. 16 Read first time 347
Jan. 17 Referred to Committee on General Affairs 369
Feb. 3 Notice of hearing (2/10) 620
Apr. 14 Indefinitely postponed 2284

LEGISLATIVE BILL 1145. By Rasmussen

Jan. 16 Read first time 347
Jan. 17 Referred to Committee on Judiciary 369
Jan. 28 Notice of hearing (2/5) 526
Apr. 14 Indefinitely postponed 2284

LEGISLATIVE BILL 1146. By Rasmussen

Jan. 16 Read first time 347
Jan. 17 Referred to Committee on Banking, Commerce and Insurance 369
Feb. 3 Notice of hearing (2/10) 626
Feb. 13 Placed on General File - Com AM2895 841
Apr. 14 Indefinitely postponed 2284
(Provisions/portions of LB 1146 amended into LB 1006 by AM3448)

LEGISLATIVE BILL 1146A. By Rasmussen

Mar. 4 Read first time. Placed on General File 1110
Apr. 14 Indefinitely postponed 2284

LEGISLATIVE BILL 1147. By Rasmussen

Jan. 16 Read first time 347
Jan. 17 Referred to Committee on Judiciary 369

Jan.	28	Notice of hearing (2/5)	526
Apr.	14	Indefinitely postponed	2284

(Provisions/portions of LB 1147 amended into LB 1184 by AM3140)

LEGISLATIVE BILL 1148. By Labedz

Jan.	16	Read first time	347
Jan.	17	Referred to Committee on Judiciary	369
Jan.	28	Notice of hearing (2/12)	526
Feb.	25	Placed on General File - Com AM3103	986
Mar.	19	Labedz AM3260 to committee AM3103 printed	1422
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1148A. By Labedz

Mar.	23	Read first time. Placed on General File	1516
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1149. By Hartnett, Crosby

Jan.	16	Read first time	348
Jan.	17	Referred to Committee on Revenue	369
Jan.	30	Notice of hearing (2/12)	584
Feb.	25	Indefinitely postponed	992

LEGISLATIVE BILL 1150. By Lamb

Jan.	17	Read first time	356
Jan.	21	Referred to Committee on Revenue	396
Jan.	22	Notice of hearing (1/31)	429
Feb.	25	Lamb motion to place on General File laid over	1000
Feb.	26	Lamb pending motion p. 1000 passed over	1008
Feb.	26	Lamb AM3131 printed	1017
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1151. By Wickersham

Jan.	17	Read first time	357
Jan.	21	Referred to Committee on General Affairs	396
Feb.	3	Notice of hearing (2/10)	620
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1152. By Moore

Jan.	17	Read first time	357
Jan.	21	Referred to Committee on Transportation	396
Jan.	30	Notice of hearing (2/11)	584
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1153. By Wickersham

Jan.	17	Read first time	357
Jan.	21	Referred to Committee on Education	396
Jan.	27	Notice of hearing (2/4)	498
Jan.	31	Notice of hearing (2/18) (Reset)	589
Apr.	14	Indefinitely postponed	2284

(Provisions/portions of LB 1153 amended into LB 1001 by AM5290)

LEGISLATIVE BILL 1154. By Hillman, Lynch, Nelson, Schrock, Wickersham

Jan.	17	Read first time	357
Jan.	21	Referred to Committee on Banking, Commerce and Insurance	396
Jan.	24	Notice of hearing (2/4)	487
Feb.	5	Placed on General File	678
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1155. By Hillman, Lynch, Nelson, Schrock, Wickersham

Jan.	17	Read first time	358
Jan.	21	Referred to Committee on Transportation	396
Jan.	30	Notice of hearing (2/11)	584
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1156. By Hillman, Lynch, Schrock

Jan.	17	Read first time	358
Jan.	21	Referred to Committee on Transportation	396
Jan.	27	Notice of hearing (2/4)	498
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1157. By Moore

Jan.	17	Read first time	375
Jan.	21	Referred to Committee on Revenue	396
Jan.	30	Notice of hearing (2/7)	584
Feb.	25	Indefinitely postponed	992

LEGISLATIVE BILL 1158. By Moore

Jan.	17	Read first time	376
Jan.	21	Referred to Committee on Revenue	396
Jan.	30	Notice of hearing (2/7)	584
Feb.	27	Indefinitely postponed	1039

LEGISLATIVE BILL 1159. By Moore

Jan.	17	Read first time	376
Jan.	21	Referred to Committee on Revenue	396
Jan.	22	Notice of hearing (1/31)	429
Feb.	25	Indefinitely postponed	992

LEGISLATIVE BILL 1160. By Moore

Jan.	17	Read first time	376
Jan.	21	Referred to Committee on Revenue	396
Jan.	22	Notice of hearing (1/31)	429
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1161. By Moore

Jan.	17	Read first time	376
Jan.	21	Referred to Committee on Revenue	396
Jan.	22	Notice of hearing (1/31)	429
Feb.	25	Indefinitely postponed	992

LEGISLATIVE BILL 1162. By Moore

Jan.	17	Read first time	377
Jan.	21	Referred to Committee on Revenue	396
Jan.	22	Notice of hearing (1/31)	429
Feb.	25	Indefinitely postponed	992

LEGISLATIVE BILL 1163. By Beutler, Ashford

Jan.	17	Read first time	377
Jan.	21	Referred to Committee on Banking, Commerce and Insurance	396
Jan.	24	Notice of hearing (2/3)	487
Feb.	18	Placed on General File - Com AM2941	860
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1164. By Hall

Jan.	17	Read first time	377
Jan.	21	Referred to Committee on Revenue	396
Jan.	22	Notice of hearing (1/29)	429
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1165. By Conway

Jan.	17	Read first time	377
Jan.	21	Referred to Committee on Government, Military and Veterans Affairs	396
Jan.	24	Notice of hearing (2/7)	488
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1166. By Wehrbein, Hall

Jan.	17	Read first time	377
Jan.	21	Referred to Committee on Education	396
Jan.	27	Notice of hearing (2/11)	498
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1167. By Bohlke, Schimek

Jan.	17	Read first time	377
Jan.	21	Referred to Committee on Urban Affairs	396
Jan.	28	Notice of hearing (2/11)	539
Apr.	13	Placed on General File - Com AM3814	2212
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1168. By R. Johnson

Jan.	17	Read first time	378
Jan.	21	Referred to Committee on Urban Affairs	396
Jan.	28	Notice of hearing (2/4)	539
Feb.	6	Placed on General File	715
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1169. By Lynch, Abboud, Ashford, Bernard-Stevens, Beyer, Bohlke, Byars, Chizek, Conway, Coordsen, Crosby, Cudaback, Hall, Hartnett, Hefner, Hillman, Horgan, Labedz, Lindsay, Morrissey, Peterson, Robinson, Rogers, Schellpeper, Schimek, Schmit, Wickersham, Will, Withem

Jan.	17	Read first time	378
Jan.	21	Referred to Committee on Health and Human Services	396
Feb.	5	Crosby name withdrawn	679
Feb.	7	Notice of hearing (2/21)	732
Feb.	13	Bohlke name withdrawn	852
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1170. By Wehrbein, Byars, Moore, Morrissey, Schmit, Schrock, Withem

Jan.	17	Read first time	378
Jan.	21	Referred to Committee on Revenue	396
Jan.	30	Notice of hearing (2/6)	583
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1171. By Abboud

Jan.	17	Read first time	378
Jan.	21	Referred to Committee on Banking, Commerce and Insurance	396
Feb.	3	Notice of hearing (2/10)	626
Feb.	13	Placed on General File - Com AM2894	841
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1172. By Wickersham, Bernard-Stevens, Conway

Jan.	17	Read first time	379
Jan.	21	Referred to Committee on Transportation	396
Jan.	30	Notice of hearing (2/11)	584
Feb.	20	Haberman priority bill	923
Mar.	12	Wickersham motion to place on General File laid over	1313
Mar.	17	Attorney General's Opinion #92044 to Byars	1351
Mar.	18	Wickersham AM3540 printed	1407
Mar.	19	Wickersham pending motion p. 1313 prevailed. Placed on General File	1433
Apr.	1	Attorney General's Opinion #92052 to Byars	1802
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1173. By R. Johnson, Hall, Will

Jan.	17	Read first time	379
Jan.	21	Referred to Committee on Health and	

		Human Services	396
Feb.	5	Notice of hearing (2/12)	678
Mar.	3	Indefinitely postponed	1087

LEGISLATIVE BILL 1174. By Schellpeper

Jan.	21	Read first time	392
Jan.	22	Referred to Committee on Education	427
Jan.	27	Notice of hearing (2/4)	498
Feb.	5	Placed on General File	663
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1175. By R. Johnson, Hall, Will

Jan.	21	Read first time	392
Jan.	22	Referred to Committee on General Affairs	427
Feb.	6	Notice of hearing (2/24)	685
Feb.	12	Notice of hearing (2/25) (Reset)	801
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1176. By Bernard-Stevens, Beutler, Conway, Hartnett, Horgan, Lindsay, Morrissey, Rasmussen

Jan.	21	Read first time	392
Jan.	22	Referred to Committee on Natural Resources	427
Jan.	22	Notice of hearing (1/29) continued (1/31)	428
Feb.	18	Placed on General File	884
Feb.	21	Chizek AM3046 printed	943
Feb.	21	Elmer AM3009 printed	944
Feb.	21	Speaker's priority bill	948
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1177. By Wickersham, Hillman

Jan.	21	Read first time	392
Jan.	22	Referred to Committee on Banking, Commerce and Insurance	427
Feb.	3	Notice of hearing (2/24)	626
Mar.	10	Indefinitely postponed	1262

LEGISLATIVE BILL 1178. By Hillman, Bernard-Stevens, Beutler, Chizek, Horgan, Landis, Moore, Nelson, Rasmussen, Schrock, Wickersham

Jan.	21	Read first time	392
Jan.	22	Hillman priority bill	405
Jan.	22	Referred to Committee on Transportation	427
Jan.	27	Notice of hearing (2/4)	498
Feb.	18	Placed on General File - Com AM2553 (printed separate)	883
Feb.	26	Committee AM2553 p. 883 pending	1008
Mar.	6	Committee AM2553 adopted as amended by Chambers FA300. Advanced for Review	1190
Mar.	12	Placed on Select File - AM5270	1304
Mar.	25	AM5270 (E & R) adopted. Advanced for Engrossment	1581
Mar.	31	Correctly Engrossed	1720
Apr.	7	Final Reading 39-0-10	2001
Apr.	7	President signed	2005
Apr.	7	Wickersham explanation of vote. Presented to Governor (4/7)	2014
Apr.	7	Rasmussen explanation of vote	2038
Apr.	13	Approved by Governor (4/13)	2218

LEGISLATIVE BILL 1178A. By Hillman

Mar.	3	Read first time. Placed on General File	1077
Mar.	6	Advanced for Review	1191
Mar.	12	Placed on Select File	1305
Mar.	25	Advanced for Engrossment	1581
Mar.	31	Correctly Engrossed	1720
Apr.	7	Final Reading 40-0-9	2002
Apr.	7	President signed	2005
Apr.	7	Presented to Governor (4/7)	2014
Apr.	13	Approved by Governor (4/13)	2218

LEGISLATIVE BILL 1179. By Chizek, at request of Governor

Jan.	21	Read first time	393
Jan.	22	Correction	402
Jan.	22	Referred to Committee on Revenue	427
Feb.	5	Notice of hearing (2/13)	677
Feb.	20	Placed on General File	925
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1180. By Wehrbein

Jan.	21	Read first time	393
Jan.	22	Referred to Committee on Revenue	427

Feb.	5	Notice of hearing (2/13)	677
Feb.	27	Indefinitely postponed	1039

LEGISLATIVE BILL 1181. By Robak, Hillman

Jan.	21	Read first time	393
Jan.	22	Referred to Committee on Transportation	427
Jan.	30	Notice of hearing (2/18)	584
Feb.	21	Placed on General File - Com AM3040	947
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1182. By Byars

Jan.	21	Read first time	393
Jan.	22	Referred to Committee on Transportation	427
Jan.	30	Notice of hearing (2/10)	584
Feb.	13	Placed on General File	842
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1183. By Lamb

Jan.	21	Read first time	393
Jan.	22	Referred to Committee on Health and Human Services	427
Jan.	28	Notice of hearing (2/7)	539
Feb.	19	Placed on General File	891
Apr.	14	Indefinitely postponed	2284

(Provisions/portions of LB 1183 amended into LB 1019 by AM3366)

LEGISLATIVE BILL 1184. By Rasmussen, Hartnett, Lindsay, Lynch, Schimek, Withem

Jan.	21	Read first time	394
Jan.	22	Referred to Committee on Judiciary	427
Jan.	23	Rereferred to Committee on Health and Human Services	469
Jan.	28	Notice of hearing (2/6)	539
Feb.	13	Rasmussen priority bill	851
Feb.	19	Placed on General File - Com AM2871	891
Mar.	26	Committee AM2871 adopted. Rasmussen AM3140 adopted. Advanced for Review	1695
Mar.	31	Placed on Select File - AM5283 (printed separate)	1769
Apr.	1	Landis AM3903 to AM5283 printed	1821
Apr.	7	Wickersham AM4163 to AM5283 printed	2043

Apr.	8	Rasmussen AM4174 to AM5283 printed	2089
Apr.	9	AM5283 (E & R) adopted. Landis pending AM3903 p. 1821, Wickersham pending AM4163 p. 2043, Bernard-Stevens AM4302 and Conway AM4331 to AM5283 adopted. Rasmussen pending AM4174 p. 2089 adopted as amended by Bernard-Stevens FA397. Wesely FA398 adopted. Advanced for Engrossment	2154
Apr.	9	Correctly Engrossed	2198
Apr.	9	ER7179 change	2201
Apr.	14	Baack motion to suspend rules prevailed	2239
Apr.	14	Final Reading 48-0-1	2270
Apr.	14	President signed	2277
Apr.	14	Presented to Governor (4/14)	2284
Apr.	20	Approved by Governor (4/17)	2293

(Provisions/portions of LB 1046 amended into LB 1184 by AM4331)
(Provisions/portions of LB 1062 amended into LB 1184 by AM3903)
(Provisions/portions of LB 1147 amended into LB 1184 by AM3140)
(Provisions/portions of LB 1255 amended into LB 1184 by AM4163)

LEGISLATIVE BILL 1184A. By Rasmussen

Apr.	3	Read first time. Placed on General File	1943
Apr.	6	Rasmussen motion to withdraw bill laid over	1958
Apr.	8	Rasmussen AM4172 adopted. Rasmussen pending motion p. 1958 withdrawn. Advanced for Review	2071
Apr.	8	Placed on Select File	2128
Apr.	9	Advanced for Engrossment	2161
Apr.	9	Correctly Engrossed	2198
Apr.	14	Baack motion to suspend rules prevailed	2239
Apr.	14	Final Reading 46-0-3	2271
Apr.	14	President signed	2277
Apr.	14	Presented to Governor (4/14)	2284
Apr.	20	Approved by Governor (4/17)	2293

LEGISLATIVE BILL 1185. By Dierks, Chambers, Lindsay

Jan.	21	Read first time	394
Jan.	22	Referred to Committee on Judiciary	427
Jan.	28	Notice of hearing (2/27)	527
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1186. By Crosby

Jan.	21	Read first time	394
Jan.	22	Referred to Committee on Revenue	427
Feb.	5	Notice of hearing (2/13)	677
Feb.	27	Indefinitely postponed	1039

LEGISLATIVE BILL 1187. By Landis, Moore

Jan.	21	Read first time	394
Jan.	22	Referred to Committee on Banking, Commerce and Insurance	427
Jan.	24	Notice of hearing (2/4)	487
Feb.	10	Placed on General File - Com AM2774	740
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1188. By Abboud, Ashford, Lynch, Robak

Jan.	21	Read first time	394
Jan.	22	Referred to Committee on General Affairs	427
Feb.	6	Notice of hearing (2/24)	685
Feb.	12	Notice of hearing (2/25) (Reset)	801
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1189. By Lindsay, Lynch

Jan.	21	Read first time	395
Jan.	22	Referred to Committee on Education	427
Jan.	27	Notice of hearing (2/10)	498
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1190. By Lindsay

Jan.	21	Read first time	395
Jan.	22	Referred to Committee on Judiciary	427
Jan.	28	Notice of hearing (2/26)	527
Mar.	4	Indefinitely postponed	1114

LEGISLATIVE BILL 1191. By Ashford

Jan.	21	Read first time	395
Jan.	22	Referred to Committee on Government, Military and Veterans Affairs	428
Jan.	24	Notice of hearing (2/13)	488
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1192. By Lindsay, Ashford, Baack, Bernard-Stevens, Chambers, Chizek, Conway, Dierks, Hartnett, Horgan, Labedz, Lynch, Rasmussen, Schimek, Will, Withem

Jan.	21	Read first time	395
Jan.	22	Referred to Committee on Revenue	428
Feb.	5	Notice of hearing (2/20)	677
Feb.	11	Notice of hearing (2/19) (Reset)	787
Feb.	20	Lindsay priority bill	917
Feb.	25	Placed on General File - Com AM3014	989
Mar.	24	Lindsay AM3639 to committee AM3014 printed	1573
Apr.	6	Committee AM3014 adopted as amended by Lindsay pending AM3639 p. 1573. Advanced for Review	1992
Apr.	8	Placed on Select File - AM5291	2092
Apr.	9	AM5291 (E & R) adopted. Advanced for Engrossment	2141
Apr.	9	Correctly Engrossed	2188
Apr.	14	Baack motion to suspend rules prevailed	2239
Apr.	14	Wickersham motion to return to Select File for FA405 withdrawn	2272
Apr.	14	Final Reading 38-8-3	2273
Apr.	14	President signed	2277
Apr.	14	Presented to Governor (4/14)	2284
Apr.	20	Approved by Governor (4/17)	2290

LEGISLATIVE BILL 1192A. By Lindsay

Mar.	25	Read first time. Placed on General File	1599
Apr.	6	Advanced for Review	1993
Apr.	8	Placed on Select File	2092
Apr.	9	Advanced for Engrossment	2141
Apr.	9	Correctly Engrossed	2188
Apr.	14	Baack motion to suspend rules prevailed	2239
Apr.	14	Final Reading 39-6-4	2274
Apr.	14	President signed	2277
Apr.	14	Presented to Governor (4/14)	2284
Apr.	20	Approved by Governor (4/17)	2290

LEGISLATIVE BILL 1193. By Withem

Jan.	22	Read first time	411
Jan.	23	Referred to Committee on Government,	

		Military and Veterans Affairs	469
Jan.	27	Schimek name added	509
Jan.	29	Notice of hearing (2/13)	550
Feb.	18	Placed on General File	867
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1194. By Lamb

Jan.	22	Read first time	411
Jan.	23	Referred to Committee on Education	469
Jan.	27	Notice of hearing (2/3)	498
Feb.	4	Placed on General File	643
Apr.	14	Indefinitely postponed	2284

(Provisions/portions of LB 1194 amended into LB 719 by FA354)

LEGISLATIVE BILL 1195. By Kristensen

Jan.	22	Read first time	412
Jan.	23	Referred to Committee on Judiciary	469
Jan.	28	Notice of hearing (2/13)	526
Feb.	19	Placed on General File	896
Apr.	14	Indefinitely postponed	2284

(Provisions/portions of LB 1195 amended into LB 360 by AM3830)

LEGISLATIVE BILL 1196. By Kristensen

Jan.	22	Read first time	412
Jan.	23	Referred to Committee on Nebraska Retirement Systems	469
Jan.	24	Notice of hearing (2/13)	478
Feb.	20	Moore priority bill	923
Feb.	26	Placed on General File - Com AM3129	1006
Apr.	14	Indefinitely postponed	2284

(Provisions/portions of LB 1196 amended into LB 672 by AM4294)

LEGISLATIVE BILL 1197. By Kristensen

Jan.	22	Read first time	412
Jan.	23	Referred to Committee on Banking, Commerce and Insurance	469
Jan.	24	Notice of hearing (2/4)	488
Feb.	5	Placed on General File	678
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1198. By Baack

Jan.	22	Read first time	412
Jan.	23	Referred to Committee on Revenue	469
Feb.	5	Notice of hearing (2/21)	677
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1199. By Wickersham

Jan.	22	Read first time	413
Jan.	23	Referred to Committee on Judiciary	469
Jan.	28	Notice of hearing (2/13)	526
Feb.	19	Placed on General File	896
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1200. By Lindsay

Jan.	22	Read first time	413
Jan.	23	Referred to Committee on Judiciary	469
Jan.	28	Notice of hearing (2/7)	526
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1201. By Lindsay

Jan.	22	Read first time	413
Jan.	29	Referred to Committee on Banking, Commerce and Insurance	565
Feb.	3	Notice of hearing (2/18)	626
Feb.	25	Indefinitely postponed	985

LEGISLATIVE BILL 1202. By Will

Jan.	22	Read first time	413
Jan.	23	Referred to Committee on Revenue	469
Feb.	5	Notice of hearing (2/13)	677
Feb.	27	Indefinitely postponed	1039

LEGISLATIVE BILL 1203. By Will

Jan.	22	Read first time	413
Jan.	23	Referred to Committee on Revenue	469
Feb.	5	Notice of hearing (2/20)	677
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1204. By Wesely, Schimek

Jan.	22	Read first time	413
Jan.	23	Referred to Committee on Revenue	469
Feb.	5	Notice of hearing (2/14)	677
Feb.	27	Indefinitely postponed	1039

LEGISLATIVE BILL 1205. By Morrissey

Jan.	22	Read first time	414
Jan.	23	Referred to Committee on Banking, Commerce and Insurance	469
Feb.	3	Notice of hearing (2/24)	626
Mar.	9	Placed on General File	1212
Apr.	14	Indefinitely postponed	2284

(Provisions/portions of LB 1205 amended into LB 1257 by AM3567)

LEGISLATIVE BILL 1206. By Bohlke

Jan.	22	Read first time	414
Jan.	23	Referred to Committee on Natural Resources	469
Jan.	28	Notice of hearing (2/13)	515
Feb.	18	Placed on General File - Com AM2892	884
Apr.	14	Indefinitely postponed	2284

(Provisions/portions of LB 1206 amended into LB 1257 by AM4039)

LEGISLATIVE BILL 1206A. By Bohlke

Feb.	20	Read first time. Placed on General File	911
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1207. By Moore, Baack

Jan.	22	Read first time	414
Jan.	23	Referred to Committee on Revenue	469
Feb.	5	Notice of hearing (2/13)	677
Feb.	25	Indefinitely postponed	992

LEGISLATIVE BILL 1208. By Warner, Lamb, Wehrbein

Jan.	22	Read first time	414
Jan.	23	Referred to Committee on Government, Military and Veterans Affairs	469
Jan.	29	Notice of hearing (2/19)	550
Feb.	20	L. Johnson priority bill	928
Feb.	21	Placed on General File - Com AM3043	937

Apr.	14	Indefinitely postponed	2284

(Provisions/portions of LB 1208 amended into LB 672 by AM4294)

LEGISLATIVE BILL 1209. By Landis

Jan.	22	Read first time	414
Jan.	23	Referred to Committee on Judiciary	469
Jan.	28	Notice of hearing (2/12)	526
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1210. By Beutler

Jan.	22	Read first time	415
Jan.	23	Referred to Committee on Banking, Commerce and Insurance	469
Feb.	3	Notice of hearing (2/11)	626
Feb.	20	Indefinitely postponed	919

LEGISLATIVE BILL 1211. By Ashford, Chizek

Jan.	22	Read first time	415
Jan.	23	Referred to Committee on Judiciary	469
Jan.	28	Notice of hearing (2/21)	527
Feb.	25	Indefinitely postponed	986

LEGISLATIVE BILL 1212. By Morrissey, Ashford

Jan.	22	Read first time	415
Jan.	23	Referred to Committee on Health and Human Services	470
Feb.	5	Notice of hearing (2/13)	678
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1213. By Wickersham, Coordsen, Dierks, Lamb, Peterson

Jan.	22	Read first time	415
Jan.	23	Referred to Committee on Appropriations	470
Jan.	27	Notice of hearing (2/12)	494
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1214. By Wickersham, Coordsen, Dierks, Lamb, Morrissey, Peterson, Schellpeper

Jan.	22	Read first time	415
Jan.	23	Referred to Committee on Tranportation	470
Jan.	30	Notice of hearing (2/11)	584
Feb.	18	Placed on General File - Com AM2829	883
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1215. By Landis

Jan.	22	Read first time	416
Jan.	23	Referred to Committee on Banking, Commerce and Insurance	470
Jan.	24	Notice of hearing (2/4)	488
Feb.	10	Placed on General File - Com AM2771	740
Apr.	14	Indefinitely postponed	2284

(Provisions/portions of LB 1215 amended into LB 470 by AM3142)

LEGISLATIVE BILL 1216. By Wesely

Jan.	22	Read first time	416
Jan.	23	Referred to Committee on Government, Military and Veterans Affairs	470
Jan.	30	Notice of hearing (2/20)	570
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1217. By Hillman, Beyer, Byars, Chizek, Coordsen, Cudaback, Dierks, Elmer, Hefner, Horgan, L. Johnson, Rasmussen, Schellpeper

Jan.	22	Read first time	416
Jan.	23	Referred to Committee on Transportation	470
Jan.	27	Notice of hearing (2/4)	498
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1218. By Beutler, Crosby, Landis, Schimek, Warner, Wesely

Jan.	22	Read first time	416
Jan.	23	Referred to Committee on Revenue	470
Feb.	5	Notice of hearing (2/14)	677
Feb.	27	Indefinitely postponed	1039

LEGISLATIVE BILL 1219. By Will

Jan.	22	Read first time	416
Jan.	23	Referred to Committee on Judiciary	470

Jan.	28	Notice of hearing (2/21)	527
Feb.	25	Placed on General File	986
Apr.	14	Indefinitely postponed	2284

(Provisions/portions of LB 1219 amended into LB 111 by AM3680)

LEGISLATIVE BILL 1220. By Wesely, Landis

Jan.	22	Read first time	416
Jan.	23	Referred to Committee on Banking, Commerce and Insurance	470
Feb.	3	Notice of hearing (2/18)	626
Feb.	20	Placed on General File - Com AM3003	918
Apr.	14	Indefinitely postponed	2284

(Provisions/portions of LB 1220 amended into LB 835 by AM4166)
(Provisions/portions of LB 1220 amended into LB 1006 by AM3448)

LEGISLATIVE BILL 1221. By Beutler, Pirsch

Jan.	22	Read first time	417
Jan.	23	Referred to Committee on Judiciary	470
Jan.	28	Notice of hearing (2/6)	526
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1222. By Wesely

Jan.	22	Read first time	417
Jan.	23	Referred to Committee on Business and Labor	470
Jan.	27	Notice of hearing (2/10)	492
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1223. By Lynch

Jan.	22	Read first time	417
Jan.	23	Referred to Committee on Revenue	470
Jan.	30	Notice of hearing (2/6)	583
Feb.	25	Indefinitely postponed	993

LEGISLATIVE BILL 1224. By Lynch

Jan.	22	Read first time	417
Jan.	23	Referred to Committee on Revenue	470
Jan.	30	Notice of hearing (2/12)	584
Feb.	25	Indefinitely postponed	993

LEGISLATIVE BILL 1225. By Chambers

Jan.	22	Read first time	418
Jan.	23	Referred to Committee on Judiciary	470
Jan.	28	Notice of hearing (2/19)	526
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1226. By Morrissey, Coordsen, Rogers

Jan.	22	Read first time	418
Jan.	23	Referred to Committee on Revenue	470
Feb.	5	Notice of hearing (2/20)	677
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1227. By Schmit

Jan.	22	Read first time	418
Jan.	23	Referred to Committee on Judiciary	470
Jan.	28	Notice of hearing (2/6)	526
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1228. By Schmit

Jan.	22	Read first time	418
Jan.	23	Referred to Committee on Banking, Commerce and Insurance	470
Feb.	13	Schmit motion to withdraw bill laid over	851
Feb.	18	Schmit pending motion p. 851 prevailed. Withdrawn	866

LEGISLATIVE BILL 1229. By Wesely

Jan.	22	Read first time	418
Jan.	23	Referred to Committee on Banking, Commerce and Insurance	470
Feb.	3	Notice of hearing (2/11)	626
Mar.	10	Indefinitely postponed	1262

LEGISLATIVE BILL 1230. By Schimek

Jan.	22	Read first time	419
Jan.	23	Referred to Committee on Appropriations	470
Jan.	27	Notice of hearing (2/13)	495
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1231. By Beyer

Jan.	22	Read first time	419
Jan.	23	Referred to Committee on Transportation	470
Jan.	30	Notice of hearing (2/18)	584
Feb.	21	Speaker's priority bill	948
Feb.	24	Placed on General File - Com AM3039	963
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1232. By Beyer

Jan.	22	Read first time	419
Jan.	23	Referred to Committee on Transportation	470
Jan.	27	Notice of hearing (2/4)	498
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1233. By Beutler

Jan.	22	Read first time	419
Jan.	23	Referred to Committee on Natural Resources	470
Jan.	28	Notice of hearing (2/13)	515
Feb.	20	Natural Resources Committee priority bill	928
Feb.	25	Placed on General File - Com AM3081	976
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1234. By Byars

Jan.	22	Read first time	419
Jan.	23	Referred to Committee on Health and Human Services	470
Jan.	28	Notice of hearing (2/7)	539
Feb.	21	Speaker's priority bill	948
Feb.	26	Placed on General File - Com AM3074	1006
Apr.	14	Indefinitely postponed	2284

(Provisions/portions of LB 1234 amended into LB 1019 by FA394)

LEGISLATIVE BILL 1235. By Crosby, Rasmussen

Jan.	22	Read first time	420
Jan.	23	Referred to Committee on Appropriations	470
Jan.	27	Notice of hearing (2/11)	494
Apr.	14	Indefinitely postponed	2284

(Provisions/portions of LB 1235 amended into LB 1022 by AM3186)

LEGISLATIVE BILL 1236. By Crosby

Jan. 22	Read first time	420
Jan. 23	Referred to Committee on Health and Human Services	470
Jan. 28	Notice of hearing (2/5)	538
Feb. 11	Placed on General File - Com AM2835	783
Apr. 14	Indefinitely postponed	2284

LEGISLATIVE BILL 1237. By Wickersham, Baack, Hillman, Nelson

Jan. 22	Read first time	431
Jan. 23	Referred to Committee on Judiciary	470
Jan. 23	Notice of hearing (1/31)	472
Feb. 19	Placed on General File	896
Feb. 19	Wickersham priority bill	908
Mar. 31	Wickersham AM3833 printed	1750
Apr. 6	Bracketed until 4/20/92	1968
Apr. 14	Indefinitely postponed	2284

(Provisions/portions of LB 1237 amended into LB 1059 by AM4320)

LEGISLATIVE BILL 1237A. By Wickersham

Apr. 2	Read first time. Placed on General File	1853
Apr. 14	Indefinitely postponed	2284

LEGISLATIVE BILL 1238. By Lamb, Bohlke, Coordsen, Dierks, Schellpeper

Jan. 22	Read first time	431
Jan. 23	Referred to Committee on Education	470
Jan. 27	Notice of hearing (2/18)	498
Feb. 13	Abboud name added	852
Feb. 20	Lamb priority bill	918
Mar. 3	Placed on General File - Com AM3207	1087
Mar. 24	Withem-Ashford AM3682 printed	1571
Mar. 26	Lynch AM3438 printed	1704
Mar. 31	Ashford AM3803 to committee AM3207 printed	1741
Apr. 14	Indefinitely postponed	2284

(Provisions/portions of LB 1238 amended into LB 719 by FA355)

LEGISLATIVE BILL 1239. By Cudaback, R. Johnson, Lamb, Rogers, Schrock

Jan. 22	Read first time	432
Jan. 23	Referred to Committee on Natural Resources	470

Feb.	3	Notice of hearing (2/19)	626
Feb.	25	Placed on General File - Com AM3051	977
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1240. By Hartnett, Ashford, Chambers, Chizek, Horgan, Labedz, Lindsay, Lynch, Morrissey, Rasmussen, Will, Withem

Jan.	22	Read first time	432
Jan.	23	Referred to Committee on Revenue	470
Jan.	29	Notice of hearing (2/5)	550
Feb.	19	Hartnett priority bill. Placed on General File - Com AM2885 (printed separate)	902
Mar.	25	Hartnett-Wickersham AM3656 to committee AM2885 printed	1600
Mar.	25	Hartnett-Wickersham-Lamb AM3609 printed separate	1603
Apr.	1	Hartnett-Wickersham pending AM3656 p. 1600 sustained division of question. Hartnett-Wickersham FA352 lost. Hartnett-Wickersham FA353 to committee AM2885 adopted. Hartnett et al AM3609 p. 1603 ruled not germane to committee amendment. Wickersham challenge of chair lost. Pending	1844
Apr.	6	Committee AM2885 adopted as amended. Advanced for Review	1964
Apr.	7	Placed on Select File - AM5288	2013
Apr.	7	Conway AM4093 printed	2023
Apr.	7	Beutler AM4121 to AM2885 printed	2029
Apr.	7	Rasmussen explanation of vote	2038
Apr.	9	AM5288 (E & R) adopted. Conway pending AM4093 p. 2023 and Hartnett-Beutler-Chambers AM4267 (on file) adopted. Beutler pending AM4121 p. 2029 withdrawn. Advanced for Engrossment	2161
Apr.	9	Correctly Engrossed	2198
Apr.	9	ER7178 change	2201
Apr.	14	Baack motion to suspend rules prevailed	2239
Apr.	14	Final Reading 44-2-3	2274
Apr.	14	President signed	2277
Apr.	14	Presented to Governor (4/14)	2284
Apr.	20	Approved by Governor (4/17)	2293

LEGISLATIVE BILL 1240A. By Hartnett

Mar.	25	Read first time. Placed on General File	1609
Apr.	6	Advanced for Review	1964
Apr.	6	Landis-Hall AM4073 printed separate	1979
Apr.	6	Hall AM4090 to AM4073 printed	1990
Apr.	6	Hall AM4091 (on file) printed	1994
Apr.	7	Placed on Select File	2014
Apr.	7	Wickersham AM3953 (on file) printed	2030
Apr.	9	Landis motion to overrule agenda withdrawn	2161
Apr.	9	Landis-Hall request to substitute amendment prevailed. Landis-Hall pending AM4073 p. 1979 withdrawn. Landis motion to suspend rules to permit consideration of AM4255 lost. Hall motion to reconsider vote to suspend rules ruled out of order. Moore point of order	2167
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1241. By Peterson, Dierks, Hefner, Schellpeper, Wehrbein

Jan.	22	Read first time	432
Jan.	22	Peterson priority bill	431
Jan.	29	Referred to Committee on Appropriations	565
Jan.	31	Notice of hearing (2/7)	608
Mar.	6	Placed on General File	1180
Mar.	6	Peterson AM3153 printed	1186
Mar.	18	Wehrbein AM3465 printed	1396
Mar.	18	Peterson pending AM3153 p. 1186 withdrawn. Wehrbein pending AM3465 p. 1396 adopted. Advanced for Review	1406
Mar.	23	Placed on Select File - AM5276	1505
Mar.	25	AM5276 (E & R) adopted. Peterson AM3692 adopted. Advanced for Engrossment	1581
Mar.	31	Correctly Engrossed. ER7159 change	1720
Apr.	1	Attorney General's Opinion #92054 to Withem	1818
Apr.	1	Withem FA351 printed	1830
Apr.	2	Robinson-Rasmussen AM3865 printed	1861
Apr.	7	Withem AM4085 printed	2020
Apr.	9	Withem pending FA351 p. 1830 and pending AM4085 p. 2020 and Robinson-Rasmussen pending AM3865 p. 1861 withdrawn	2164
Apr.	9	Returned to Select File for Peterson-Withem amendment. Peterson-Withem AM4104 adopted. Advanced for Re-Engrossment	2165
Apr.	9	Correctly Re-Engrossed	2197

Apr.	14	Baack motion to suspend rules prevailed	2239
Apr.	14	Final Reading w/E 48-0-1	2275
Apr.	14	President signed	2277
Apr.	14	Presented to Governor (4/14)	2284
Apr.	20	Approved by Governor (4/17)	2291

LEGISLATIVE BILL 1241A. By Peterson

Mar.	25	Read first time. Placed on General File	1580
Mar.	31	Advanced for Review	1723
Apr.	1	Placed on Select File	1813
Apr.	2	Peterson AM3926 printed	1873
Apr.	3	Peterson pending AM3926 p. 1873 adopted. Advanced for Engrossment	1906
Apr.	6	Correctly Engrossed	1950
Apr.	6	ER7166 change	1951
Apr.	14	Baack motion to suspend rules prevailed	2239
Apr.	14	Final Reading w/E 47-0-2	2276
Apr.	14	President signed	2277
Apr.	14	Presented to Governor (4/14)	2284
Apr.	20	Approved by Governor with line-item veto (4/17)	2291

LEGISLATIVE BILL 1242. By Hall

Jan.	22	Read first time	432
Jan.	23	Referred to Committee on Government, Military and Veterans Affairs	470
Jan.	29	Notice of hearing (2/19)	550
Feb.	21	Placed on General File - Com AM3044	937
Apr.	14	Indefinitely postponed	2284

(Provisions/portions of LB 1242 amended into LB 1019 by FA394)

LEGISLATIVE BILL 1243. By Hall

Jan.	22	Read first time	433
Jan.	23	Referred to Committee on Banking, Commerce and Insurance	470
Feb.	3	Notice of hearing (2/10)	626
Feb.	20	Placed on General File - Com AM3021	919
Apr.	14	Indefinitely postponed	2284

(Provisions/portions of LB 1243 amended into LB 1006 by AM3448)

LEGISLATIVE BILL 1244. By Hall, Hartnett, Will

Jan.	22	Read first time	433
Jan.	23	Referred to Committee on Revenue	470
Feb.	5	Notice of hearing (2/14)	677
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1245. By Hall

Jan.	22	Read first time	433
Jan.	23	Referred to Committee on Revenue	470
Feb.	5	Notice of hearing (2/14)	677
Apr.	2	Placed on General File	1867
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1246. By Hall

Jan.	22	Read first time	433
Jan.	23	Referred to Committee on Revenue	470
Feb.	5	Notice of hearing (2/26)	677
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1247. By Urban Affairs Committee

Jan.	22	Read first time	434
Jan.	23	Referred to Committee on Urban Affairs	470
Jan.	28	Notice of hearing (2/11)	539
Feb.	26	Indefinitely postponed	1008

LEGISLATIVE BILL 1248. By Urban Affairs Committee

Jan.	22	Read first time	434
Jan.	23	Referred to Committee on Urban Affairs	470
Jan.	28	Notice of hearing (2/11)	539
Feb.	26	Placed on General File	1008
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1249. By Urban Affairs Committee

Jan.	22	Read first time	435
Jan.	23	Referred to Committee on Urban Affairs	470
Jan.	28	Notice of hearing (2/18)	540
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1250. By Hartnett

Jan.	22	Read first time	435
Jan.	23	Referred to Committee on Government, Military and Veterans Affairs	470
Jan.	29	Notice of hearing (2/19)	550
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1251. By Hartnett, Schellpeper

Jan.	22	Read first time	435
Jan.	23	Referred to Committee on Urban Affairs	470
Jan.	28	Notice of hearing (2/11)	539
Feb.	26	Placed on General File	1008
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1252. By Hartnett

Jan.	22	Read first time	435
Jan.	23	Referred to Committee on Urban Affairs	470
Jan.	28	Notice of hearing (2/18)	540
Feb.	26	Placed on General File - Com AM3121	1008
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1253. By Hartnett

Jan.	22	Read first time	436
Jan.	23	Referred to Committee on Urban Affairs	470
Jan.	28	Notice of hearing (2/18)	540
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1254. By Hartnett

Jan.	22	Read first time	436
Jan.	23	Referred to Committee on Revenue	470
Jan.	30	Notice of hearing (2/7)	583
Feb.	18	Indefinitely postponed	888

LEGISLATIVE BILL 1255. By Wickersham

Jan.	22	Read first time	436
Jan.	23	Referred to Committee on Judiciary	470
Jan.	28	Notice of hearing (2/21)	527
Feb.	25	Placed on General File	986
Apr.	14	Indefinitely postponed	2284

(Provisions/portions of LB 1255 amended into LB 1184 by AM4163)

LEGISLATIVE BILL 1256. By Withem

Jan.	22	Read first time	436
Jan.	23	Referred to Committee on Urban Affairs	471
Jan.	28	Notice of hearing (2/11)	539
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1257. By Morrissey

Jan.	22	Read first time	436
Jan.	23	Hartnett name added	469
Jan.	23	Referred to Committee on Natural Resources	471
Jan.	28	Notice of hearing (2/7)	515
Jan.	31	Morrissey priority bill	608
Jan.	31	Horgan name added	618
Feb.	13	Beutler name added	852
Feb.	27	Placed on General File - Com AM3060 (printed separate)	1040
Mar.	4	R. Johnson AM3160 to committee AM3060 printed	1109
Mar.	4	R. Johnson AM3243 to committee AM3060 printed	1110
Mar.	18	Morrissey AM3566 to committee AM3060 printed	1412
Mar.	19	Morrissey AM3567 printed separate	1453
Mar.	23	R. Johnson pending AM3160 p. 1109, R. Johnson pending AM3243 p. 1110, Morrissey pending AM3566 p. 1412, Morrissey pending AM3567 p. 1453, and Chambers FA324 to committee AM3060 adopted. Pending	1524
Mar.	23	Chambers FA325 to committee AM3060 printed	1528
Mar.	24	Wesely AM3497, Morrissey FA327, and Horgan AM3635 (on file) to committee AM3060 adopted. Pending	1552
Mar.	24	Chambers pending FA325 p. 1528 withdrawn. Chambers FA328 to committee AM3060 adopted. R. Johnson request for division of question on committee AM3060 sustained. Committee FA329, FA330, and FA331 adopted as amended. Advanced for Review	1566
Mar.	31	Placed on Select File - AM5281 (printed separate)	1761
Apr.	1	R. Johnson AM3892 to AM5281 printed	1850
Apr.	3	Morrissey AM4000 to AM5281 printed	1916
Apr.	7	Landis AM4157 to AM5281 printed	2038
Apr.	7	Bohlke AM4039 to AM5281 printed	2056

Apr.	7	Landis AM4176 to AM5281 printed	2062
Apr.	9	AM5281 (E & R) adopted. R. Johnson pending AM3892 p. 1850 withdrawn. Morrissey request to substitute amendment prevailed. Morrissey pending AM4000 p. 1916 withdrawn. Morrissey-R. Johnson substitute AM4307 adopted. Landis pending AM4157 p. 2038, Bohlke pending AM4039 p. 2056, Landis pending AM4176 p. 2062 and Hall AM4317 (on file) adopted. Beutler-Morrissey AM4206 (on file) ruled germane and adopted. Advanced for Engrossment	2145
Apr.	9	Correctly Engrossed	2198
Apr.	9	ER7183 change	2201
Apr.	14	Baack motion to suspend rules prevailed	2239
Apr.	14	Final Reading w/E 44-3-2	2261
Apr.	14	President signed	2277
Apr.	14	Presented to Governor (4/14)	2284
Apr.	20	Approved by Governor (4/17)	2290

(Provisions/portions of LB 981 amended into LB 1257 by AM3497)
(Provisions/portions of LB 1008 amended into LB 1257 by AM3635)
(Provisions/portions of LB 1026 amended into LB 1257 by AM4317)
(Provisions/portions of LB 1028 amended into LB 1257 by AM3060)
(Provisions/portions of LB 1122 amended into LB 1257 by AM4206)
(Provisions/portions of LB 1205 amended into LB 1257 by AM3567)
(Provisions/portions of LB 1206 amended into LB 1257 by AM4039)

LEGISLATIVE BILL 1257A. By Morrissey

Mar.	17	Read first time. Placed on General File	1351
Mar.	24	Morrissey AM3591 adopted. Advanced for Review	1571
Mar.	31	Placed on Select File - AM5284	1761
Apr.	7	Beutler AM4171 printed	2056
Apr.	7	Bohlke AM4040 printed	2059
Apr.	9	AM5284 (E & R) adopted. Beutler pending pending AM4171 p. 2056 and Bohlke pending AM4040 p. 2059 adopted. Advanced for Engrossment	2148
Apr.	9	Correctly Engrossed	2198
Apr.	9	ER7176 change	2202
Apr.	14	Baack motion to suspend rules prevailed	2239
Apr.	14	Schmit motion to return to Select File for FA403 withdrawn. Final Reading w/E 44-0-5	2263
Apr.	14	President signed	2277

Apr.	14	Presented to Governor (4/14)	2284
Apr.	20	Approved by Governor (4/17)	2290

LEGISLATIVE BILL 1258. By Kristensen, Bohlke, R. Johnson

Jan.	22	Read first time	437
Jan.	29	Referred to Committee on Natural Resources	565
Feb.	3	Notice of hearing (2/19)	626
Feb.	20	Wehrbein priority bill	928
Feb.	21	Wehrbein name added	950
Feb.	25	Placed on General File - Com AM3025 (printed separate)	977
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1259. By Kristensen

Jan.	22	Read first time	437
Jan.	23	Referred to Committee on Banking, Commerce and Insurance	471
Jan.	24	Notice of hearing (2/4)	488
Feb.	10	Indefinitely postponed	740

LEGISLATIVE BILL 1260. By Chambers

Jan.	22	Read first time	437
Jan.	23	Referred to Committee on Banking, Commerce and Insurance	471
Feb.	3	Notice of hearing (2/24)	626
Mar.	10	Indefinitely postponed	1262

LEGISLATIVE BILL 1261. By Wesely

Jan.	22	Read first time	437
Jan.	23	Referred to Committee on Urban Affairs	471
Jan.	28	Notice of hearing (2/18)	540
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1262. By Beutler

Jan.	22	Read first time	437
Jan.	23	Referred to Committee on Banking, Commerce and Insurance	471
Feb.	3	Notice of hearing (2/24)	626
Mar.	10	Indefinitely postponed	1262

LEGISLATIVE BILL 1263. By Beutler

Jan.	22	Read first time	438
Jan.	23	Referred to Committee on Natural Resources	471
Jan.	28	Notice of hearing (2/7)	515
Feb.	25	Indefinitely postponed	977

LEGISLATIVE BILL 1264. By Beutler

Jan.	22	Read first time	438
Jan.	23	Referred to Committee on Revenue	471
Feb.	5	Notice of hearing (2/20)	677
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1265. By Beutler

Jan.	22	Read first time	438
Jan.	23	Referred to Committee on Judiciary	471
Jan.	28	Notice of hearing (2/21)	527
Feb.	25	Indefinitely postponed	986

LEGISLATIVE BILL 1266. By Moore

Jan.	22	Read first time	438
Jan.	23	Referred to Committee on Revenue	471
Feb.	5	Notice of hearing (2/21)	677
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1267. By Moore

Jan.	22	Read first time	438
Jan.	23	Referred to Committee on General Affairs	471
Feb.	6	Notice of hearing (2/24)	685
Feb.	12	Notice of hearing (2/25) (Reset)	801
Feb.	26	Placed on General File	1023
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1268. By Moore

Jan.	22	Read first time	438
Jan.	23	Referred to Committee on Appropriations	471
Jan.	27	Notice of hearing (2/12)	494
Mar.	6	Placed on General File	1180
Mar.	17	Warner AM3457 printed	1360

Mar.	18	Wickersham AM3543 printed	1394
Mar.	20	Warner pending AM3457 p. 1360 adopted. Wickersham pending AM3543 p. 1394 withdrawn. Advanced for Review	1470
Mar.	23	Placed on Select File - AM5277	1524
Apr.	1	AM5277 (E & R) adopted. Advanced for Engrossment	1815
Apr.	1	Correctly Engrossed	1851
Apr.	6	Final Reading w/E 38-0-11	1948
Apr.	6	Speaker signed	1951
Apr.	6	Presented to Governor (4/6)	1958
Apr.	13	Approved by Governor (4/10)	2206

LEGISLATIVE BILL 1269. By Revenue Committee

Jan.	22	Read first time	439
Jan.	23	Referred to Committee on Revenue	471
Jan.	29	Notice of hearing (2/5)	550
Feb.	12	Placed on General File	815
Feb.	20	Revenue Committee priority bill	923
Feb.	25	Bernard-Stevens-Hall AM3107 printed	999
Mar.	25	Robak AM3665 printed separate	1611
Mar.	26	Crosby AM3579 printed	1664
Apr.	14	Indefinitely postponed	2284

(Provisions/portions of LB 1269 amended into LB 719A by FA363)

LEGISLATIVE BILL 1270. By Hall

Jan.	22	Read first time	439
Jan.	23	Referred to Committee on Judiciary	471
Jan.	24	Chambers name added	489
Jan.	28	Notice of hearing (2/20)	526
Feb.	11	Notice of hearing (2/19) (Reset)	787
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1271. By Hall

Jan.	22	Read first time	439
Jan.	23	Referred to Committee on Revenue	471
Feb.	5	Notice of hearing (2/14)	677
Feb.	27	Indefinitely postponed	1039

LEGISLATIVE BILL 1272. By Ashford, Moore

Jan.	22	Read first time	439
Jan.	23	Referred to Committee on Education	471
Jan.	27	Notice of hearing (2/10)	498
Feb.	18	Placed on General File - Com AM2728	860
Mar.	19	Haberman AM3559 printed	1426
Mar.	20	Committee AM2728 adopted. Bernard-Stevens-Rasmussen-Crosby AM3538 ruled not germane. Challenge of Chair prevailed. Robinson FA316 ruled germane and lost. Bernard-Stevens AM3581 to AM3538 adopted. Pending	1472
Mar.	20	Lamb FA317 lost. Bernard-Stevens et al pending AM3538 p. 1472 adopted as amended. Pending	1481
Mar.	20	Moore FA318 pending	1501
Mar.	23	Moore pending FA318 p. 1502 and Ashford FA319 withdrawn. Wehrbein motion to reconsider AM3538 p. 1472 lost. Moore motion to indefinitely postpone withdrawn. Ashford request to pass over - Bernard-Stevens objected. Lamb motion to indefinitely postpone laid over	1507
Mar.	23	Robinson-Schrock AM3629 printed	1511
Mar.	24	Lamb pending motion p. 1509 withdrawn. Robinson-Schrock pending AM3629 p. 1511 withdrawn. Schrock AM3649 and Lamb AM3662 lost. Pending	1534
Mar.	24	Lynch AM3672 withdrawn. Failed to advance for Review	1549
Mar.	24	Ashford AM3377 to committee AM2728 printed	1551
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1272A. By Ashford

Mar.	17	Read first time. Placed on General File	1341
Mar.	18	Robinson AM3537 printed	1372
Mar.	26	Cudaback AM3696 printed	1709
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1273. By Schmit

Jan.	22	Read first time	439
Jan.	23	Referred to Committee on Revenue	471
Feb.	5	Notice of hearing (2/20)	677
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1274. By Schmit

Jan.	22	Read first time	440
Jan.	23	Referred to Committee on Revenue	471
Feb.	5	Notice of hearing (2/21)	677
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1275. By Schmit

Jan.	22	Read first time	440
Jan.	23	Referred to Committee on Revenue	471
Feb.	5	Notice of hearing (2/13)	677
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1276. By Schmit

Jan.	22	Read first time	440
Jan.	23	Referred to Committee on Revenue	471
Feb.	5	Notice of hearing (2/21)	677
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1277. By R. Johnson, Lamb, Schmit, Schrock

Jan.	22	Read first time	440
Jan.	23	Referred to Committee on Natural Resources	471
Jan.	28	Notice of hearing (2/12)	515
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1278. By Rasmussen, Byars, Robak

Jan.	22	Read first time	440
Jan.	23	Referred to Committee on Health and Human Services	471
Jan.	28	Notice of hearing (2/5)	538
Feb.	11	Placed on General File	783
Feb.	20	Elmer priority bill	928
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1278A. By Rasmussen

Feb.	26	Read first time. Placed on General File	1022
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1279. By Pirsch, Bohlke, Chizek, Conway, Elmer, Horgan, Nelson

Jan.	22	Read first time	441
Jan.	23	Referred to Committee on Transportation	471
Jan.	30	Notice of hearing (2/10)	584
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1280. By Wesely

Jan.	22	Read first time	441
Jan.	23	Referred to Committee on Revenue	471
Feb.	5	Notice of hearing (2/14)	677
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1281. By Wesely

Jan.	22	Read first time	441
Jan.	23	Referred to Committee on Banking, Commerce and Insurance	471
Feb.	3	Notice of hearing (2/11)	626
Mar.	10	Indefinitely postponed	1262

LEGISLATIVE BILL 1282. By Wesely

Jan.	22	Read first time	441
Jan.	23	Referred to Committee on Health and Human Services	471
Feb.	7	Notice of hearing (2/19)	732
Feb.	20	Health and Human Services Committee priority bill	928
Feb.	21	Placed on General File	948
Mar.	19	Ashford AM3530 printed	1460
Apr.	7	Ashford AM3994 printed	2030
Apr.	14	Indefinitely postponed	2284

(Provisions/portions of LB 1282 amended into LB 1019 by FA394)

LEGISLATIVE BILL 1283. By Will, Hall

Jan.	22	Read first time	442
Jan.	23	Referred to Committee on Transportation	471
Jan.	27	Notice of hearing (2/4)	498
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1284. By Ashford, Rasmussen

Jan.	22	Read first time	443
Jan.	29	Referred to Committee on Education	565

Jan.	31	Notice of hearing (2/10)	589
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1285. By Wesely

Jan.	22	Read first time	443
Jan.	23	Referred to Committee on Revenue	471
Feb.	5	Notice of hearing (2/14)	677
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1286. By Schmit

Jan.	22	Read first time	443
Jan.	23	Referred to Committee on Health and Human Services	471
Jan.	28	Notice of hearing (2/7)	539
Mar.	31	Placed on General File - Com AM3806	1744
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1287. By Schmit

Jan.	22	Read first time	443
Jan.	23	Referred to Committee on Judiciary	471
Jan.	28	Notice of hearing (2/13)	526
Feb.	19	Indefinitely postponed	896

LEGISLATIVE BILL 1288. By Schmit

Jan.	22	Read first time	443
Jan.	23	Referred to Committee on Appropriations	471
Jan.	27	Notice of hearing (2/7)	494
Jan.	31	Coordsen name added	618
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1289. By Schmit, Hall

Jan.	22	Read first time	444
Jan.	23	Referred to Committee on General Affairs	471
Jan.	27	Notice of hearing (2/3)	508
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1290. By Ashford

Jan.	22	Read first time	444
Jan.	23	Referred to Committee on Education	471

Jan.	27	Notice of hearing (2/10)	498
Feb.	11	Indefinitely postponed	782

LEGISLATIVE BILL 1291. By Beutler

Jan.	22	Read first time	444
Jan.	23	Referred to Committee on Education	471
Jan.	27	Notice of hearing (2/18)	498
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILL 1292. By Business and Labor Committee

Feb.	24	Coordsen motion to introduce bill laid over	967
Feb.	25	Correction	968
Feb.	25	Coordsen pending motion p. 967 prevailed. Read first time	978
Feb.	26	Referred to Committee on Business and Labor	1002
Feb.	27	Notice of hearing (3/10)	1028
Mar.	11	Placed on General File - Com AM3430	1301
Mar.	18	Coordsen AM3539 to committee AM3430 printed	1394
Mar.	23	Committee AM3430 adopted as amended by Coordsen pending AM3539 p. 1394. Advanced for Review	1509
Mar.	23	Placed on Select File - AM5279	1527
Apr.	1	AM5279 (E & R) adopted. Advanced for Engrossment	1815
Apr.	1	Correctly Engrossed	1851
Apr.	6	Final Reading w/E 42-0-7	1949
Apr.	6	Speaker signed	1951
Apr.	6	Presented to Governor (4/6)	1958
Apr.	13	Approved by Governor (4/10)	2206

LEGISLATIVE BILL 1293. By Business and Labor Committee

Feb.	24	Coordsen motion to introduce bill laid over	967
Feb.	25	Coordsen pending motion p. 967 prevailed	978
Feb.	25	Read first time	979
Feb.	26	Referred to Committee on Business and Labor	1002
Feb.	27	Notice of hearing (3/10)	1028
Mar.	11	Indefinitely postponed	1302

LEGISLATIVE BILL 1294. By Appropriations Committee

Mar.	6	Moore motion to introduce bill prevailed.	

		Read first time	1181
Mar.	6	Referred to Committee on Government, Military and Veterans Affairs	1185
Mar.	6	Conway motion to suspend rules prevailed. Notice of hearing (3/12)	1190
Mar.	17	Indefinitely postponed	1339
Mar.	18	Moore motion to place on General File laid over	1391
Mar.	19	Moore pending motion p. 1391 lost	1419

CHRONOLOGY OF CONSTITUTIONAL AMENDMENT RESOLUTIONS

NINETY-SECOND LEGISLATURE
SECOND SESSION
1992

LEGISLATIVE RESOLUTION 2. By Landis

Jan.	8	Title	68
Jan.	24	Indefinitely postponed	486

LEGISLATIVE RESOLUTION 4CA. By Hefner, Warner, L. Johnson

Jan.	8	Title	68
Feb.	18	Indefinitely postponed	888

LEGISLATIVE RESOLUTION 6CA. By Will, Hall

Jan.	8	Title	69
Jan.	23	Indefinitely postponed	451

LEGISLATIVE RESOLUTION 7CA. By Wesely, Chizek, Chambers

Jan.	8	Title	70
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE RESOLUTION 8CA. By Schmit

Jan.	8	Title	71
Jan.	23	Indefinitely postponed	451

LEGISLATIVE RESOLUTION 9CA. By Smith, Cudaback, R. Johnson, Rogers, Rasmussen

Jan.	8	Title	72
Jan.	13	Will-Hall motion to indefinitely postpone withdrawn. Advanced for Review	246
Jan.	16	Placed on Select File	327

Jan.	16	Schellpeper AM2404 printed	329
Jan.	29	AM5190 (E & R) printed and adopted. Schellpeper pending AM2404 p. 329 withdrawn. Schellpeper AM2601 adopted. Pending	549
Jan.	29	Robak motion to indefinitely postpone lost. Advanced for Engrossment	551
Feb.	4	Correctly Engrossed	641
Feb.	7	Wesely motion to return to Select File for FA259 withdrawn	725
Feb.	7	Final Reading 34-7-8	726
Feb.	7	President signed	728
Feb.	7	Presented to Secretary of State (2/7)	733

LEGISLATIVE RESOLUTION 15CA. By Warner

Jan.	8	Title	73
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE RESOLUTION 17CA. By Hartnett

Jan.	8	Title	74
Feb.	25	Indefinitely postponed	977

LEGISLATIVE RESOLUTION 18CA. By Hall

Jan.	8	Title	75
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE RESOLUTION 20CA. By Wesely, Baack

Jan.	8	Title	75
Jan.	27	Committee AM0304 p. 733, First Session, adopted. Pending	507
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE RESOLUTION 186CA. By Baack, Hall, Hillman, Wickersham, Withem, Schimek, Smith, Schrock, Beutler, Robak, Nelson, Schellpeper, Dierks, Byars, Warner, Hartnett, Coordsen, Landis, Wesely Horgan, at the request of the Governor

Jan.	8	Title	76
Jan.	8	Hall AM2360 printed	156
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE RESOLUTION 206CA. By Will

Jan.	8	Read first time	147
Jan.	8	Referred to Reference Committee	148
Jan.	9	Referred to Committee on Judiciary	196
Jan.	24	Notice of hearing (1/31)	488
Feb.	21	Speaker's priority resolution	948
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE RESOLUTION 207CA. By Chambers

Jan.	8	Read first time. Referred to Reference Committee	148
Jan.	9	Referred to Committee on Government, Military and Veterans Affairs	196
Jan.	16	Notice of hearing (1/23)	335
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE RESOLUTION 208CA. By Pirsch, Chambers, Withem

Jan.	8	Read first time. Referred to Reference Committee	149
Jan.	9	Referred to Committee on Government, Military and Veterans Affairs	196
Jan.	16	Notice of hearing (1/23)	335
Feb.	21	Speaker's priority resolution	948
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE RESOLUTION 210. By Wesely, Ashford, Beutler, Beyer, Hefner, Hillman, Horgan, Lindsay, Nelson, Pirsch, Robak, Schimek

Jan.	8	Read first time	150
Jan.	8	Referred to Reference Committee	151
Jan.	13	Referred to Committee on Government, Military and Veterans Affairs	233
Jan.	24	Notice of hearing (2/7)	488
Feb.	10	Placed on General File	755
Mar.	3	Wesely AM2787 printed	1088
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE RESOLUTION 211CA. By Pirsch, Ashford, Byars, Dierks, Haberman, Hefner, Schimek

Jan.	8	Read first time. Referred to Reference Committee	151
Jan.	13	Referred to Committee on Judiciary	233
Jan.	28	Notice of hearing (2/26)	527
Mar.	4	Placed on General File	1110
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE RESOLUTION 212CA. By Abboud

Jan.	9	Read first time. Referred to Reference Committee	179
Jan.	13	Referred to Committee on Government, Military and Veterans Affairs	233
Jan.	21	Notice of hearing (1/30)	388
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE RESOLUTION 213CA. By Pirsch, Hefner

Jan.	9	Read first time. Referred to Reference Committee	187
Jan.	13	Referred to Committee on Judiciary	233
Jan.	28	Notice of hearing (2/20)	527
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE RESOLUTION 214CA. By Schmit, Lynch

Jan.	10	Read first time	227
Jan.	10	Referred to Reference Committee	228
Jan.	13	Referred to Committee on Revenue	259
Jan.	22	Notice of hearing (1/29)	429
Feb.	18	Indefinitely postponed	888

LEGISLATIVE RESOLUTION 215CA. By Robak

Jan.	10	Read first time	228
Jan.	10	Referred to Reference Committee	230
Jan.	13	Referred to Committee on Revenue	259
Jan.	22	Notice of hearing (1/30)	429
Feb.	18	Indefinitely postponed	888

LEGISLATIVE RESOLUTION 217CA. By Beutler

Jan.	13	Read first time	269
Jan.	13	Referred to Reference Committee	270
Jan.	14	Referred to Committee on Government, Military and Veterans Affairs	297
Jan.	24	Notice of hearing (2/7)	488
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE RESOLUTION 219CA. By Warner, Landis, Withem, at request of Governor

Jan.	13	Read first time	272
Jan.	13	Referred to Reference Committee	275
Jan.	14	Referred to Committee on Revenue	297
Jan.	22	Notice of hearing (1/30)	429
Feb.	12	Placed on General File - Com AM2861	815
Feb.	25	Hall AM3110, AM3111, AM3112, and AM3113 to committee amendment printed	995
Mar.	3	Attorney General's Opinion #92033 to Coordsen	1092
Mar.	4	Warner-Landis-Withem AM3187 to committee AM2861 printed	1151
Mar.	5	Warner et al pending AM3187 p. 1151 sustained division of question. Warner et al FA294, FA295, FA296, FA297, and FA298 to committee AM2861 adopted. Hall request to substitute amendment prevailed. Hall pending AM3110 p. 995 withdrawn. Hall substitute FA299 lost. Pending	1170
Mar.	5	Lindsay AM3284 printed	1178
Mar.	6	Hall pending AM3111 and AM3112 p. 995, and Lindsay pending AM3284 p. 1178 withdrawn. Hall pending AM3113 p. 995 lost. Committee AM2861 p. 815 adopted as amended. Pending	1182
Mar.	6	Advanced for Review. Expedited	1189
Mar.	9	Placed on Select File - AM5268	1204
Mar.	9	Lindsay AM3373 to AM5268 printed	1253
Mar.	10	AM5268 (E & R) adopted. Lindsay pending AM3284 p. 1178 withdrawn. Kristensen AM3385 to pending AM3373 adopted. Pending	1273
Mar.	11	Lindsay pending AM3373 p. 1253 adopted as amended by Kristensen AM3454.	

		Moore AM3419 (on file) pending	1285
Mar.	11	Moore pending AM3419 p. 1287 lost. Pending	1292
Mar.	11	Schmit AM3414 withdrawn. Schmit AM3408 lost. Baack motion to suspend rules and vote without debate prevailed. Advanced for Engrossment	1296
Mar.	12	Correctly Engrossed	1303
Mar.	12	Baack motion to suspend rules and vote without debate prevailed. Failed on Final Reading (for primary election) 36-11-2	1314
Mar.	12	Final Reading (for general election) 33-14-2	1318
Mar.	12	Bernard-Stevens motion to reconsider action on Final Reading (primary election) pending	1319
Mar.	12	Bernard-Stevens pending motion p. 1319 prevailed	1321
Mar.	12	Final Reading (for primary election) 40-6-3	1322
Mar.	12	President signed. Point of parliamentary inquiry	1323
Mar.	17	Presented to Secretary of State (3/12)	1335
Mar.	24	Message from Secretary of State	1561

LEGISLATIVE RESOLUTION 220. By Schmit

Jan.	14	Read first time	294
Jan.	15	Referred to Reference Committee	307
Jan.	16	Referred to Committee on Natural Resources	324
Jan.	28	Notice of hearing (2/5)	514
Apr.	14	Placed on General File	2278
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE RESOLUTION 222. By Coordsen, Abboud, Beyer, Byars, Crosby, Cudaback, Dierks, Elmer, Haberman, Hefner, R. Johnson, Labedz, Lamb, Peterson, Pirsch, Robak, Robinson, Rogers, Schellpeper, Schmit, Schrock, Warner, Wehrbein, Wickersham

Jan.	16	Read first time	334
Jan.	16	Referred to Reference Committee	335
Jan.	17	Referred to Committee on Judiciary	370
Jan.	28	Notice of hearing (2/6)	526
Apr.	1	Placed on General File	1797
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE RESOLUTION 227CA. By Moore

Jan.	17	Read first time	373
Jan.	17	Referred to Reference Committee	375
Jan.	21	Referred to Committee on Revenue	396
Jan.	22	Notice of hearing (1/30)	429
Feb.	25	Indefinitely postponed	993

LEGISLATIVE RESOLUTION 229CA. By Wehrbein, Lamb

Jan.	22	Read first time	444
Jan.	22	Referred to Reference Committee	447
Jan.	23	Referred to Committee on Revenue	471
Feb.	5	Notice of hearing (2/21)	677
Feb.	6	Attorney General's Opinion #92015 to Wehrbein	693
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE RESOLUTION 230CA. By Schmit

Jan.	22	Read first time	447
Jan.	22	Referred to Reference Committee	449
Jan.	23	Referred to Committee on Revenue	471
Feb.	5	Notice of hearing (2/21)	677
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE RESOLUTION 260. By Moore

Mar.	10	Read first time	1274
Mar.	11	Referred to Reference Committee	1283
Mar.	11	Referred to Committee on Revenue	1287
Mar.	19	Notice of hearing (4/1)	1422
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE RESOLUTION 261. By Moore

Mar.	10	Read first time	1275
Mar.	11	Referred to Reference Committee	1283
Mar.	11	Referred to Committee on Revenue	1287
Mar.	12	Moore AM3483 printed	1314
Mar.	19	Notice of hearing (4/1)	1422
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE RESOLUTION 444CA. By Schmit, Hall, Dierks, Elmer, L. Johnson, R. Johnson, Moore

Apr.	13	Read first time	2234
Apr.	13	Referred to Reference Committee	2236
Apr.	14	Referred to Committee on Revenue	2260
Apr.	14	Schmit motion to suspend rules and permit consideration withdrawn	2279
Apr.	14	Indefinitely postponed	2284

LEGISLATIVE BILLS AND CONSTITUTIONAL AMENDMENT RESOLUTIONS BY INTRODUCERS

CHRIS ABBOUD

LB	
194*	Change the jurisdictional amount in county court proceedings.
249*	Increase the number of separate juvenile court judges in certain counties.
291*	Provide revocation of drivers' licenses for drug and alcohol violations.
302*	Self-Service Storage Act.
728*	Parenting Act.
801*	Require criminal history record check prior to sale or delivery of a handgun.
806	Change provision for statute of limitations under the Tort Claims Act.
807	Change provisions for buyer's information form required for car auction sales.
809	Prohibit personal use of motor vehicles owned by political subdivisions.
811*	Change provisions for judicial review of contested cases under the Administrative Procedures Act.
812	Provide for impaneling a state grand jury.
821*	Provide for treatment of sellers and lessors as manufacturers in liability actions.
872*	Require certain persons involved in motor vehicle accidents to submit to chemical tests.
957	Change provisions for eligibility for, conditions of, and violations of parole.
964*	Provide powers and duties to the Nebraska Commission on Law Enforcement and Criminal Justice.
1110*	Adopt the Economy and Productivity in State Government Act.
1169*	Require legislative approval for system of service for developmentally disabled people.
1171	Eliminate an adoption by reference of a statute of limitations for fire insurance.
1188*	Eliminate the Thoroughbred Racing Assistance Fund.
1238*	Change a provision for a limit on changes in state aid to schools.

LR	
212CA	Constitutional amendment to permit Legislature to read bill by title on Final Reading.
222*	Petition U.S. Congress to amend Constitution to prohibit desecration of the U.S. flag.

BRAD ASHFORD

LB	
134*	Appropriate funds for geographic education.
194*	Change the jurisdictional amount in county court proceedings.
248*	Change provisions for benefits available to former aid to dependent children recipients.
248A	Appropriation Bill.
249*	Increase the number of separate juvenile court judges in certain counties.
302*	Self-Service Storage Act.
396*	Prohibit institutional vandalism and ethnic intimidation.
485*	Appropriate funds to the Nebraska Coordinating Commission for Postsecondary Education.
552*	Foreign and Domestic Trade Assistance Act.
556*	Campaign Finance Limitation Act.
640*	Change provisions for state regulation of abortions.
671*	Rights of the Terminally Ill Act.
706	Establish the Task Force on Historic Preservation.
706A	Appropriations Bill.
708	Authorize the use of service dogs for physically disabled persons.
710	Authorize Nebraska professional corporations to provide services in other states.
711	Authorize consolidation of trial and application for temporary injunction.
726	Appropriate funds to University of Nebraska Board of Regents for the Nebraska Business Development Center.
728*	Parenting Act.
753*	Provide immunity from civil damages for nonprofit associations.
818*	Change provisions for the offenses of unlawful and mass picketing.
821*	Provide for treatment of sellers and lessors as manufacturers in liability actions.
946*	Change provisions for representation in legislative districts.
958*	Require the use of seat belts in motor vehicles.

964*	Provide powers and duties to the Nebraska Commission on Law Enforcement and Criminal Justice.
975	Change provisions for liability of subdivisions relating to vehicular pursuits.
986*	Authorize state agencies and subdivisions to contract with collection agencies.
1034	Provide additional reasons to deny an application for certificate to obtain a handgun.
1036	Change provision for statements required by sanitary and improvement districts.
1037	Change the penalty for the offense of false reporting.
1038	Redefine a term relating to the practice of pharmacy.
1039	Prohibit possession of a gun on the premises of a school or youth center.
1056*	Appropriate funds to Department of Social Services for domestic violence programs.
1088*	Appropriate funds to the Coordinating Commission for Postsecondary Education for state aid.
1163*	Provide for investments in investment companies or investment trusts.
1169*	Require legislative approval for system of service for developmentally disabled people.
1188*	Eliminate the Thoroughbred Racing Assistance Fund.
1191	Adopt the Community Correctional Facilities and Programs Act.
1192*	Adopt the Homeless Shelter Assistance Fund Act.
1211*	Provide for drug and alcohol testing of certain criminal offenders.
1212*	Provide for use of reusable diapers in early childhood programs.
1240*	Authorize the designation of enterprise zones.
1272*	Change provisions for cost of education for nonresident student who is ward of the state.
1272A	Appropriation Bill.
1284*	Require referendum on changing method of nomination of candidates to boards of education.
1290	Require election on changing method of nominating candidates for boards of education.
LR	
210*	Provide ratification of U.S. Constitutional amendment regarding Congressional pay raises.
211CA*	Constitutional amendment to grant rights to victim of crime in criminal proceedings.

DENNIS G. BAACK

LB	
17*	Regulate the payment of petition circulators.
39	Remove benefits for seasonal employees under the Employment Security Law.
41	Change a provision for credit for military service by school employees.
42	Provide for liability for injury or damage on an open range road.
116*	Change provisions for the requirements for health education in public schools.
129*	Provide for development of a Trailside Complex at Fort Robinson State Park.
131*	Provide reimbursement of attorney's fees incurred by schools for judicial proceedings.
132*	Adopt the Nebraska Education Centers Act.
327*	Eliminate the death penalty.
384*	Eliminate enforcement duties of the Accountability and Disclosure Commission.
556*	Campaign Finance Limitation Act.
556A	Appropriation Bill.
557*	Change child abuse reporting and record keeping requirements.
559*	Provide annual training program for providers of services to abused children.
572	Election Act.
573*	Create Nebraska Planning and Development Regions.
577	Provide for distribution of smokeless tobacco products.
612*	Authorize contracts for operation of places of correctional confinement.
799*	Change cigarette tax disbursement and provide for construction by State Colleges.
814*	Civil Rights for Children.
848**	Correctional Facilities Construction Fund Act.
872*	Require certain persons involved in motor vehicle accidents to submit to chemical tests.
920*	Provide for training and certification of public safety telecommunicators.
921	Redefine "full-time equivalent student" and "credit hour" for community colleges.
943*	Appropriate funds for grants for automation of certain library operations.
948*	Authorize delivery of water for irrigation purposes to lands not described in permits.

962***	Change provisions for income tax rate schedules and computations.
989*	Change provisions for the contest of elections for members of the Legislature.
991*	Provide powers and duties for law enforcement officers.
998*	Change provisions for waiver of college tuition for veterans' dependents.
1013*	Change provisions relating to motor vehicle fuel taxes.
1022**	Provide for deficiency appropriations for state agencies.
1058*	Provide for emergency medical technicians-AM and emergency medical technicians-IV.
1062*	Authorize county attorney to review cases of juveniles places in out of home placement.
1121*	Exempt personal property from taxation for tax year 1992.
1192*	Adopt the Homeless Shelter Assistance Fund Act.
1198	Provide a general fund property tax requirement for certain school districts.
1207*	Change provision for valuation of certain centrally assessed property.
1237*	Change provisions for judicial districts and judicial vacancies.
LR	
20CA*	Change the convening date of ninety day legislative session.
186CA***	Change provisions relating to taxation of certain tangible property.

DAVID F. BERNARD-STEVENS

LB	
27	Establish provisions for firefighter's clothing and equipment.
28	Require political subdivisions to defend and pay judgments in behalf of firefighters.
116*	Change provisions for the requirements for health education in public schools.
132*	Adopt the Nebraska Education Centers Act.
145*	Adopt the Family Medical Leave Act.
169*	Require Department of Social Services to provide liability coverage to foster parents.
169A*	Appropriation Bill.
222*	Change provisions for appeals from the Small Claims Court.
241*	Change disbursement of cigarette tax for capital construction projects at University of Nebraska.

327*	Eliminate the death penalty.
332*	Provide a deduction from income for certain educational expenses.
405*	Provide for durable power of attorney for certain medical treatment decisions.
447	Create the Youth Services Planning Commission and change provisions for juvenile services.
447A	Appropriation Bill.
464*	Change provisions for creation or reorganization of school districts.
671*	Rights of the Terminally Ill Act.
672*	Change provisions relating to retirement systems.
673	Require placement of juveniles in juvenile detention facilities.
691*	Provide for payment of costs by state when person is determined mentally incompetent.
723*	Provide for disbursement of proceeds from tax on marijuana and controlled substances.
801*	Require criminal history record check prior to sale or delivery of a handgun.
805*	State Lottery Act.
818*	Change provisions for the offenses of unlawful and mass picketing.
943*	Appropriate funds for grants for automation of certain library operations.
947*	Change provisions relating to an optional tax levy by hospital districts.
948*	Authorize delivery of water for irrigation purposes to lands not described in permits.
962***	Change provisions for income tax rate schedules and computations.
1024	Add Director of Agriculture as ex officio member of Nebraska Brand Committee.
1046	Change provisions relating to juvenile detention facilities.
1056*	Appropriate funds to Department of Social Services for domestic violence programs.
1058*	Provide for emergency medical technicians-AM and emergency medical technicians-IV.
1062*	Authorize county attorney to review cases of juveniles places in out of home placement.
1123*	Authorize credit of certain tax proceeds to the Excellence in Education Fund.
1138*	Authorize first responders and additional categories of emergency medical technicians.

1169*	Require legislative approval for system of service for developmentally disabled people.
1172*	Adopt the Railroad Safety Act.
1176*	Authorize the acquisition of certain public power districts.
1178*	Change provisions relating to designation of anatomical gifts.
1192*	Adopt the Homeless Shelter Assistance Fund Act.

CHRIS BEUTLER

LB	
241*	Change disbursement of cigarette tax for capital construction projects at University of Nebraska.
293*	Establish the Legal Services Loan Assistance Repayment Program.
306*	State intent regarding surface water, ground water, and their relationship.
306A	Appropriation Bill.
556*	Campaign Finance Limitation Act.
630	Provide for continuing of child support beyond the age of nineteen years.
631	Change provisions for water wells.
632	Prohibit certain ex parte communications under the Administrative Procedure Act.
633*	Change provisions for calculation of tiered cost per student.
637	Change district and county judicial districts.
671*	Rights of the Terminally Ill Act.
686	Change a homestead exemption based on income.
688	Change provisions for appointment and funding of child support referees.
761	Authorize and direct the purchase of railroad right-of-way.
818*	Change provisions for the offenses of unlawful and mass picketing.
881*	Restrict the use of natural resources districts funds used for building construction and purchases.
939*	Change provisions regulating the consumption of alcoholic liquor on public property.
940	Change provisions relating to when a divorce decree becomes final.
963*	Change provision for relinquishment of financial aid for collegiate athletes.
981*	Change name of Department of Environmental Control to Department of Environmental Quality.

1026	Increase cigarette tax to fund environmental, safety, and education programs.
1027	Appropriate funds for environmental, safety, and educational programs.
1059	Change provisions relating to district court judicial districts.
1122	Change provisions for control of air pollution.
1122A	Appropriation Bill.
1141	Exempt farm machinery and equipment from sales and use tax.
1142	Impose fees on pesticides, nitrogen fertilizers, and soil conditioners sold in Nebraska.
1143	Require Director of Water Resources to designate ground water zones of administration.
1163*	Provide for investments in investment companies or investment trusts.
1176*	Authorize the acquisition of certain public power districts.
1178*	Change provisions relating to designation of anatomical gifts.
1210	Adopt the Real Estate Closing Act.
1218*	Allow tax credit for unreimbursed losses of deposits in failed financial institutions.
1221*	Transfer and repeal provisions relating to sentencing in criminal procedures.
1233	Change provisions of the Environmental Protection Act.
1257*	Adopt the Integrated Solid Waste Management Act and other provisions on solid waste.
1262	Provide for registration of foreign limited liability companies with Sec. of State.
1263	Redefine "applicant" for obtaining a permit for a solid waste disposal facility.
1264	Impose a trail development fee on the sale of bicycles.
1265	Change provisions relating to child support orders.
1291	Change age limits relating to compulsory education.
LR	
186CA***	Change provisions relating to taxation of certain tangible property.
210*	Provide ratification of U.S. Constitutional amendment regarding Congressional pay raises.
217CA	Constitutional amendment to allow Legislature to enact laws upon ratification by the people.

EMIL E. BEYER, JR.

LB	
60	Change provisions for motor carrier tariffs.
64	Adopt the Auctioneer Licensing Act.
174*	Provide for issuance of park entry permits to veterans.
191*	Prohibit interference with sport hunting.
291*	Provide revocation of drivers' licenses for drug and alcohol violations.
291A	Appropriation Bill.
353	Private Investigation Act.
353A	Appropriation Bill.
397	Change value of property exempt from ten thousand to one hundred thousand for relatives.
531*	Change provisions for boating and driving under the influence of alcohol or drugs.
532*	Authorize suspension of driving privileges for certain juveniles.
587	Provide a date by which school contracts must be negotiated.
589	Change extension of jurisdiction of ordinances for second class cities and villages.
801*	Require criminal history record check prior to sale or delivery of a handgun.
973*	Provide for administrative fines by the Motor Vehicle Industry Licensing Board.
980*	Change provisions relating to dealer plates for motor vehicle registration.
1138*	Authorize first responders and additional categories of emergency medical technicians.
1169*	Require legislative approval for system of service for developmentally disabled people.
1217*	Change provisions for motor vehicle certificates of title.
1231	Provide powers and duties for carrier enforcement officers.
1232	Change provisions for commercial driver's licenses.
LR	
210*	Provide ratification of U.S. Constitutional amendment regarding Congressional pay raises.
222*	Petition U.S. Congress to amend Constitution to prohibit desecration of the U.S. flag.

ARDYCE L. BOHLKE

LB	
431*	Childhood Vaccine Act.
431A*	Appropriation Bill.

931*	Change and eliminate provisions relating to transfers of museum property.
935*	Provide for suspension of an operator's license for certain drug offenses.
947*	Change provisions relating to an optional tax levy by hospital districts.
948*	Authorize delivery of water for irrigation purposes to lands not described in permits.
958*	Require the use of seat belts in motor vehicles.
962***	Change provisions for income tax rate schedules and computations.
982*	Change provisions relating to state warrants.
1073*	Provide for confidentiality of possible sites containing archaeological significance.
1167*	Limit control of certain cities and villages over public buildings owned by other agencies.
1206	Transfer duties from State Energy Office to Department of Administrative Services regarding recycling.
1206A	Appropriation Bill.
1238*	Change a provision for a limit on changes in state aid to schools.
1258*	Place time limitation on applications for investments by Ethanol Authority Development Board.
1279*	Require the Legislature to adopt master plans for road construction.

DENNIS M. BYARS

LB	
180*	Redefine the term "physician" for purposes of the physician-patient privilege.
191*	Prohibit interference with sport hunting.
197*	Provide issuance of Pearl Harbor survivor and prisoner of war license plates to spouses.
241*	Change disbursement of cigarette tax for capital construction projects at University of Nebraska.
283*	Provide funding for certain family practice residency programs.
287*	Authorize home care of the sick and developmentally disabled.
289*	Adopt standards prohibiting use of corporal punishment by early childhood care providers.
291*	Provide revocation of drivers' licenses for drug and alcohol violations.
389*	Provide payment of grade school/high school tuition for children living on University property.

391*	Appropriate funds to the Personal Property Tax Reimbursement Fund.
392	Provide district court records may be maintained on a computer system.
401*	Authorize appointment of multidisciplinary child protection teams.
405*	Provide for durable power of attorney for certain medical treatment decisions.
417*	Appropriate funds to increase Title XX respite care rates.
421*	Change provisions for the definition of licensed practical nurse.
483*	Change provisions of the State Boat Act.
799*	Change cigarette tax disbursement and provide for construction by State Colleges.
801*	Require criminal history record check prior to sale or delivery of a handgun.
872*	Require certain persons involved in motor vehicle accidents to submit to chemical tests.
931*	Change and eliminate provisions relating to transfers of museum property.
943*	Appropriate funds for grants for automation of certain library operations.
947*	Change provisions relating to an optional tax levy by hospital districts.
948*	Authorize delivery of water for irrigation purposes to lands not described in permits.
962***	Change provisions for income tax rate schedules and computations.
973*	Provide for administrative fines by the Motor Vehicle Industry Licensing Board.
986*	Authorize state agencies and subdivisions to contract with collection agencies.
987*	Provide access to mental health and drug abuse services for hearing impaired persons.
990*	Provide the Director of Personnel administer an employee recognition program.
1112	Change coinsurance and deductible requirements for covered dental services.
1169*	Require legislative approval for system of service for developmentally disabled people.
1170*	Provide increase in motor vehicle fuel tax and earmark fuel taxes.
1182	Provide for tourist-oriented directional sign panels.
1217*	Change provisions for motor vehicle certificates of title.

1234	Change provisions relating to nursing homes.
1278*	Provide for administration of IV treatment and nasogastric tube therapy by licensed practical nurses.

LR

186CA***	Change provisions relating to taxation of certain tangible property.
211CA*	Constitutional amendment to grant rights to victim of crime in criminal proceedings.
222*	Petition U.S. Congress to amend Constitution to prohibit desecration of the U.S. flag.

ERNIE CHAMBERS

LB

68	Require payment to University of Nebraska football players.
140*	Provide for extension of certain filing deadlines for homestead exemptions.
145*	Adopt the Family Medical Leave Act.
228*	Create the position of Counsel to the Legislature.
231*	Authorize an award of attorney's fees in certain civil actions.
248*	Change provisions for benefits available to former aid to dependent children recipients.
289*	Adopt standards prohibiting use of corporal punishment by early childhood care providers.
298*	Provide for a death benefit under workers' compensation.
327*	Eliminate the death penalty.
329	Provide for the nonpartisan election of the Attorney General.
378	Provide duties for employers of non-English-speaking employees.
395	Change provisions for investment of state funds in South Africa.
467*	Change the workers' compensation schedule.
640*	Change provisions for state regulation of abortions.
735*	Change disability and maximum weekly income benefits under workers' compensation.
763	Prohibit high-speed chases by police.
814*	Civil Rights for Children.
815	Change procedures for issuance of warrants and require identification of informants.
816	Change and eliminate provisions relating to "good time."
922*	Provide for development and implementation of multicultural education programs.
922A	Appropriation Bill.

923	Allow felons to be eligible to vote.
989*	Change provisions for the contest of elections for members of the Legislature.
1185*	Provide procedures and requirements for reductions and cancellations of athletic grants.
1192*	Adopt the Homeless Shelter Assistance Fund Act.
1225	Provide a standard of proof for inmate disciplinary hearings.
1240*	Authorize the designation of enterprise zones.
1260	Prohibit the investment of state funds in tobacco companies.
1270*	Adopt the Nebraska Civil Rights Act of 1992.
LR	
7CA*	Require legislative confirmation of judicial appointments.
207CA	Constitutional amendment to allow persons convicted of a felony to vote.
208CA*	Constitutional amendment to give persons who will be eighteen right to vote.

JERRY CHIZEK

LB	
174*	Provide for issuance of park entry permits to veterans.
176*	Authorize the State Patrol to establish a computer network for fingerprint identification.
179*	Change provision of the composition of the University of Nebraska administration.
189	Change provisions for membership on the Jail Standards Board.
191*	Prohibit interference with sport hunting.
194*	Change the jurisdictional amount in county court proceedings.
231*	Authorize an award of attorney's fees in certain civil actions.
295*	Adopt the Athlete Agents Registration Act.
370	Require certain classes of school districts recognize certain bargaining units.
375*	Change provisions for child custody and visitation.
434	Change provisions for joinder of offenses and defendants.
435	Change provisions for payment of certain witness fees and mileage.
436	Change a provision for use of the Probation Supervision Cash Fund.
437	Provide payment of data processing expenses of county judges by the Supreme Court.

438	Change provisions and penalties for assaulting a correctional officer or employee.
440	Change penalties for persons who fail to appear after being released under bail.
441	Health Care Fraudulent Claims Act.
442	Create the offense of disarming a peace officer.
443	Change procedures for issuance of a warrant by telephone.
459*	Authorize warrantless seizure of certain property during drug investigations.
515	Change the number of judges and the judicial districts.
516	Change the number of district court judicial districts and judges.
517	Provide rebuttable presumption of death or disability for law enforcement personnel.
557*	Change child abuse reporting and record keeping requirements.
559*	Provide annual training program for providers of services to abused children.
560	Authorize Attorney General to defend medical service providers in certain actions.
594	Increase the amount recoverable under the Nebraska Hospital-Medical Liability Act.
694	Change provisions relating to the courts.
728*	Parenting Act.
920*	Provide for training and certification of public safety telecommunicators.
937*	Establish a statute of limitations for civil actions based on childhood sexual abuse.
942*	Provide issuance of special license plates for active Nebraska National Guard members.
991*	Provide powers and duties for law enforcement officers.
992*	Provide the Director of Personnel may conduct and coordinate training programs.
1002	Create the Nebraska Law Enforcement Accreditation Council.
1011*	Change a provision relating to the liability of dog owners.
1035	Adopt the Health Maintenance Organization Authorization Protection Act.
1045	Change a provision relating to compulsory school attendance.
1057*	Change the contribution rate in the county employee's retirement system.
1085	Adopt the Health Maintenance Organization Medication Protection Act.

1103*	Eliminate the right to remove a case from small claims court.
1107	Change provisions for the crimes of second-degree murder and manslaughter.
1108	Provide for adjustment of annuities for retired judges and surviving beneficiaries.
1109	Change provisions for the appointment and duties of constables.
1118*	Change powers and duties of guardians and conservators of disabled persons.
1127	Change provisions for qualifications and terms of members of the Board of Parole.
1169*	Require legislative approval for system of service for developmentally disabled people.
1178*	Change provisions relating to designation of anatomical gifts.
1179**	Eliminate a tax exemption for turbine-powered aircrafts.
1192*	Adopt the Homeless Shelter Assistance Fund Act.
1211*	Provide for drug and alcohol testing of certain criminal offenders.
1217*	Change provisions for motor vehicle certificates of title.
1240*	Authorize the designation of enterprise zones.
1279*	Require the Legislature to adopt master plans for road construction.
LR	
7CA*	Require legislative confirmation of judicial appointments.

GERALD CONWAY

LB	
132*	Adopt the Nebraska Education Centers Act.
172	Eliminate provision relating to debtor's rights in property under Uniform Commercial Code.
180*	Redefine the term "physician" for purposes of the physician-patient privilege.
191*	Prohibit interference with sport hunting.
228*	Create the position of Counsel to the Legislature.
252*	Change requirements for wearing helmets by motorcyclists.
279*	Change provision for payment of nonresident tuition for certain students.
302*	Self-Service Storage Act.
327*	Eliminate the death penalty.
346*	Require records on insurance companies, brokers, and agents.

384*	Eliminate enforcement duties of the Accountability and Disclosure Commission.
389*	Provide payment of grade school/high school tuition for children living on University property.
401*	Authorize appointment of multidisciplinary child protection teams.
405*	Provide for durable power of attorney for certain medical treatment decisions.
424*	Change provisions relating to elections.
464*	Change provisions for creation or reorganization of school districts.
483*	Change provisions of the State Boat Act.
493*	Change powers and duties of the Auditor of Public Accounts.
499	Youth Service and Conservation Corps Act.
503*	Authorize use of oral pharmaceutical agents by optometrists.
522*	Authorize criminal history information be required as condition for certain employment.
544	Change provisions for filing of certain federal liens.
664	Provide for filing of telefaxed documents under the Uniform Commercial Code.
668	Change provisions relating to the Nebraska State Historical Society.
670	Change provisions for interest calculations in condemnation proceedings.
722*	Change provisions for fund expenditures for payment of telecommunications equipment.
723*	Provide for disbursement of proceeds from tax on marijuana and controlled substances.
725	Housing Contractor Act.
788*	Authorize plans for construction of public events center at Mead, Nebraska.
799*	Change cigarette tax disbursement and provide for construction by State Colleges.
872*	Require certain persons involved in motor vehicle accidents to submit to chemical tests.
929*	Increase the number of members serving on the State Racing Commission.
942*	Provide issuance of special license plates for active Nebraska National Guard members.
977*	Change provisions relating to elections.
978	Define the term "veteran."
978A	Appropriation Bill.
982*	Change provisions relating to state warrants.

982A	Appropriation Bill.
983*	Establish the Nebraska Community Services Block Grant Program.
990*	Provide the Director of Personnel administer an employee recognition program.
992*	Provide the Director of Personnel may conduct and coordinate training programs.
992A	Appropriation Bill.
998*	Change provisions for waiver of college tuition for veterans' dependents.
1012	Change provisions for loans to executive officers of a bank.
1020	Adopt the Economic Diversification and Afforestation Act.
1054	Create a tax credit for depreciable personal property.
1081*	Change the boundary line between Iowa and Nebraska.
1106	Change provisions for deposits in certain financial institutions.
1119	Require lenders to pay interest on escrow accounts.
1133	Create the State Election Board and the State Election Commissioner.
1133A	Appropriation Bill.
1134	Authorize cities, villages, and counties to establish and fund multiunit housing.
1135	Provide a motor vehicle fee.
1135A	Appropriation Bill.
1165	Exempt governing bodies from cash reserve limitations.
1169*	Require legislative approval for system of service for developmentally disabled people.
1172*	Adopt the Railroad Safety Act.
1176*	Authorize the acquisition of certain public power districts.
1192*	Adopt the Homeless Shelter Assistance Fund Act.
1279*	Require the Legislature to adopt master plans for road construction.

GEORGE COORDSEN

LB	
21	Change provisions authorizing a tax levy for special ground water quality protection area.
22*	Provide for legislative review of administrative rules and regulations.
174*	Provide for issuance of park entry permits to veterans.
180*	Redefine the term "physician" for purposes of the physician-patient privilege.
191*	Prohibit interference with sport hunting.

241*	Change disbursement of cigarette tax for capital construction projects at University of Nebraska.
252*	Change requirements for wearing helmets by motorcyclists.
271	Change provisions for registration of motor vehicles.
272	Change provisions of the Research and Development Authority Act.
360A	Appropriation Bill.
377	Require payment of overtime to State Patrol employees.
406*	Impose requirements for transportation and disposal of solid waste.
446*	Change requirements for sale of reformulated gasoline.
460	Exempt purchases of agricultural related items from sales tax if purchased by nonresidents.
467*	Change the workers' compensation schedule.
504	Exempt farm machinery and farm equipment from sales and use tax.
505*	Provide for creation of the Solid Waste Disposal Coordination Board.
512*	Change dates for the affiliation of school districts.
551*	Change provisions for orders of the Commission of Industrial Relations.
556*	Campaign Finance Limitation Act.
557*	Change child abuse reporting and record keeping requirements.
559*	Provide annual training program for providers of services to abused children.
562	Change provisions of the Employment Security Special Contingent Fund.
563	Change provisions for making public power surplus line capacity available.
690*	Change provisions for eligibility for employment security benefits.
801*	Require criminal history record check prior to sale or delivery of a handgun.
872*	Require certain persons involved in motor vehicle accidents to submit to chemical tests.
876	Provide children be exempt from child labor laws when employed by parents.
877	Change fees charged for elevator inspections.
877A	Appropriation Bill.
878	Change provisions for disqualification of employment security benefits.
879	Define "employee leasing company" for purposes of employment security.

881*	Restrict the use of natural resources districts funds used for building construction and purchases.
882*	Change conditions for unemployment benefits for students.
946*	Change provisions for representation in legislative districts.
952*	Provide a penalty for invasion of privacy.
955*	Change the method of computing taxable income for unitary business.
956*	Change the method of computing taxable income for unitary business.
966	Change provisions relating to registered voter lists.
971*	Change provisions for filling a vacancy on the Corn Development, Utilization, and Marketing Board.
1029	Provide registration forms be mailed with challenge to voter registration notice.
1030	Require a shut-off device on irrigation distribution systems.
1055*	Exempt all personal property other than motor vehicles from taxation.
1062*	Authorize county attorney to review cases of juveniles places in out of home placement.
1064	Change provisions relating to workers' compensation.
1073*	Provide for confidentiality of possible sites containing archaeological significance.
1136	Change provisions relating to workers' compensation.
1169*	Require legislative approval for system of service for developmentally disabled people.
1213*	Change provisions for transfer of funds to Railway Council by State Treasurer.
1214*	Provide for railroad preservation districts.
1217*	Change provisions for motor vehicle certificates of title.
1226*	Change provisions relating to solid waste disposal.
1238*	Change a provision for a limit on changes in state aid to schools.
1288*	Create the Depositors Contingency Fund.
LR	
186CA***	Change provisions relating to taxation of certain tangible property.
222*	Petition U.S. Congress to amend Constitution to prohibit desecration of the U.S. flag.

LAVON CROSBY

LB	
78*	Change informed consent provisions for abortion.
84*	Prohibit the use of public facilities and funds for certain abortions.
140*	Provide for extension of certain filing deadlines for homestead exemptions.
169*	Require Department of Social Services to provide liability coverage to foster parents.
169A*	Appropriation Bill.
173*	Require certain school districts provide preparation time for teachers.
176*	Authorize the State Patrol to establish a computer network for fingerprint identification.
241*	Change disbursement of cigarette tax for capital construction projects at University of Nebraska.
282*	Provide for the licensing of commercial dog operators.
289*	Adopt standards prohibiting use of corporal punishment by early childhood care providers.
291*	Provide revocation of drivers' licenses for drug and alcohol violations.
308*	Create a registry of persons with brain or head injuries.
327*	Eliminate the death penalty.
373	Change provisions for child custody determinations.
396*	Prohibit institutional vandalism and ethnic intimidation.
401*	Authorize appointment of multidisciplinary child protection teams.
470*	Change provisions for establishment of detached auxiliary bank offices.
478*	Change provisions for abortion reporting forms.
527*	Change provisions for child and spousal support.
531*	Change provisions for boating and driving under the influence of alcohol or drugs.
598	Change population requirements for jury commissioners.
599	Appropriate funds to the University of Nebraska for the Bureau of Business Research.
600	Appropriate funds to the Department of Social Services for domestic violence programs.
602	Require registration of phlebotomists.
633*	Change provisions for calculation of tiered cost per student.
791	Provide access to mental health services for hearing impaired persons.
792	Create the Commission on Health Promotion and Physical Fitness.

814*	Civil Rights for Children.
821*	Provide for treatment of sellers and lessors as manufacturers in liability actions.
826*	Continuing Care Retirement Community Act.
911*	Authorize animal control officers to issue citations.
935*	Provide for suspension of an operator's license for certain drug offenses.
939*	Change provisions regulating the consumption of alcoholic liquor on public property.
942*	Provide issuance of special license plates for active Nebraska National Guard members.
943*	Appropriate funds for grants for automation of certain library operations.
947*	Change provisions relating to an optional tax levy by hospital districts.
948*	Authorize delivery of water for irrigation purposes to lands not described in permits.
952*	Provide a penalty for invasion of privacy.
958*	Require the use of seat belts in motor vehicles.
987*	Provide access to mental health and drug abuse services for hearing impaired persons.
987A	Appropriation Bill.
997*	Change the surcharge on depreciation.
1040*	Change retirement plan contribution rates for Lancaster County employees.
1041	Change provisions for child custody or visitation determinations.
1042*	Prohibit use of certain titles relating to professional engineers and architects.
1056*	Appropriate funds to Department of Social Services for domestic violence programs.
1060*	Authorize instruction in braille reading and writing for visually handicapped children.
1088*	Appropriate funds to the Coordinating Commission for Postsecondary Education for state aid.
1097*	Provide penalties for traffic violations in school zones and school crossings.
1104*	Appropriate funds for the Museum of Nebraska Art.
1113*	Adopt the Continuing Care Retirement Community Act.
1113A	Appropriation Bill.
1149*	Change provisions for which counties may establish a County Visitors Improve. Fund.
1186	Provide property tax exemption for nonprofit amateur sports organizations.

1218*	Allow tax credit for unreimbursed losses of deposits in failed financial institutions.
1235*	Appropriate funds to the Department of Education for early childhood programs.
1236	Create the Board of Registration for Environmental Health Specialists.
LR	
222*	Petition U.S. Congress to amend Constitution to prohibit desecration of the U.S. flag.

JIM D. CUDABACK

LB	
152	Provide for waiver of the fee for collecting a bad check.
197*	Provide issuance of Pearl Harbor survivor and prisoner of war license plates to spouses.
201*	Authorize Governor to negotiate a tribal-state compact regulating certain gambling.
241*	Change disbursement of cigarette tax for capital construction projects at University of Nebraska.
336*	Change the minimum age for obtaining a driver's license.
545*	Change responsibility for providing medical assistance to the poor.
576*	Provide additional requirement for application to construct electrical facilities.
697*	Require advanced planning study for the Prairie Bend project.
929*	Increase the number of members serving on the State Racing Commission.
938	Change provisions relating to county treasurers.
947*	Change provisions relating to an optional tax levy by hospital districts.
948*	Authorize delivery of water for irrigation purposes to lands not described in permits.
958*	Require the use of seat belts in motor vehicles.
970	Change provisions for continuing education requirements under the Uniform Licensing Law.
996*	Change limitation on anticipated receipts for educational service units adding school districts.
1011*	Change a provision relating to the liability of dog owners.
1025*	Provide for applicability of provision dealing with collection of tax in 1992.
1057*	Change the contribution rate in the county employee's retirement system.
1104*	Appropriate funds for the Museum of Nebraska Art.
1111*	Redefine "commercial motor vehicle."

1169*	Require legislative approval for system of service for developmentally disabled people.
1217*	Change provisions for motor vehicle certificates of title.
1239*	Change methods for regulating water use in control and management areas.
LR	
9CA*	Authorize municipalities and counties to approve or deny certain liquor licenses.
222*	Petition U.S. Congress to amend Constitution to prohibit desecration of the U.S. flag.

MERTON L. DIERKS

LB	
46*	Appropriate funds for the Nursing Incentive Act.
70	Change compensation for reduced property value under the Low-Level Waste Act.
72	Provide for an election regarding community consent for a radioactive waste facility.
73	Restrict the issuance of a license under the Low-Level Radioactive Waste Disposal Act.
78*	Change informed consent provisions for abortion.
84*	Prohibit the use of public facilities and funds for certain abortions.
130*	Restrict sale of cigarettes by vending machines.
132*	Adopt the Nebraska Education Centers Act.
144*	Change provisions relating to nurse practitioner-anesthetists.
180*	Redefine the term "physician" for purposes of the physician-patient privilege.
191*	Prohibit interference with sport hunting.
242	Change provisions for injuring or obstructing a public road.
282*	Provide for the licensing of commercial dog operators.
283*	Provide funding for certain family practice residency programs.
327*	Eliminate the death penalty.
332*	Provide a deduction from income for certain educational expenses.
401*	Authorize appointment of multidisciplinary child protection teams.
421*	Change provisions for the definition of licensed practical nurse.
426*	Authorize a College of Osteopathic Medicine and Surgery as a cooperative venture.

522*	Authorize criminal history information be required as condition for certain employment.
522A	Appropriation Bill.
532*	Authorize suspension of driving privileges for certain juveniles.
537*	Small Employer Health Insurance Act.
551*	Change provisions for orders of the Commission of Industrial Relations.
621*	Provide for aggregation of checks when classifying offense of issuing a bad check.
801*	Require criminal history record check prior to sale or delivery of a handgun.
872*	Require certain persons involved in motor vehicle accidents to submit to chemical tests.
911*	Authorize animal control officers to issue citations.
948*	Authorize delivery of water for irrigation purposes to lands not described in permits.
952*	Provide a penalty for invasion of privacy.
953	Provide election on the question of appointing or electing certain county attorneys.
954*	Redefine "livestock forage vehicle."
955*	Change the method of computing taxable income for unitary business.
956*	Change the method of computing taxable income for unitary business.
971*	Change provisions for filling a vacancy on the Corn Development, Utilization, and Marketing Board.
987*	Provide access to mental health and drug abuse services for hearing impaired persons.
1011*	Change a provision relating to the liability of dog owners.
1023*	Provide food service training program in State Capitol through Division of Rehabilitation Services.
1055*	Exempt all personal property other than motor vehicles from taxation.
1071	Authorize reimbursement for expenses for school board members.
1138*	Authorize first responders and additional categories of emergency medical technicians.
1185*	Provide procedures and requirements for reductions and cancellations of athletic grants.
1192*	Adopt the Homeless Shelter Assistance Fund Act.
1213*	Change provisions for transfer of funds to Railway Council by State Treasurer.
1214*	Provide for railroad preservation districts.
1217*	Change provisions for motor vehicle certificates of title.

1238*	Change a provision for a limit on changes in state aid to schools.
1241*	Change powers for purchase and lease of property by state agencies.

LR

186CA***	Change provisions relating to taxation of certain tangible property.
211CA*	Constitutional amendment to grant rights to victim of crime in criminal proceedings.
222*	Petition U.S. Congress to amend Constitution to prohibit desecration of the U.S. flag.
444CA*	Exempt tangible property from taxation except for motor vehicles which are inventory.

W. OWEN ELMER

LB

125	Authorize the Supreme Court to award defense costs in certain criminal prosecutions.
126	Provide for the removal of certain roads from the state highway system.
175	Change membership of Board of Examiners for County Highway and City Street Superintendents.
191*	Prohibit interference with sport hunting.
223*	Provide for disposition of proceeds from sales of educational lands.
241*	Change disbursement of cigarette tax for capital construction projects at University of Nebraska.
252*	Change requirements for wearing helmets by motorcyclists.
258	Change provisions for motor vehicle lights.
270	Plastic Container Coding Act.
270A	Appropriation Bill.
453*	Provide for entry upon property by political subdivision personnel.
459*	Authorize warrantless seizure of certain property during drug investigations.
542*	Change administration of the Legislative Academy for Youth Leadership.
551*	Change provisions for orders of the Commission of Industrial Relations.
613*	Beverage Containers Deposit and Recycling Act.
669*	Change provisions for disposable diaper requirements.
730	Specify certain parties are parties in interest relating to interbasin water transfers.

784*	Change provisions for technical community colleges.
799*	Change cigarette tax disbursement and provide for construction by State Colleges.
801*	Require criminal history record check prior to sale or delivery of a handgun.
872*	Require certain persons involved in motor vehicle accidents to submit to chemical tests.
913*	Repeal the Local Option Revenue Act.
943*	Appropriate funds for grants for automation of certain library operations.
948*	Authorize delivery of water for irrigation purposes to lands not described in permits.
952*	Provide a penalty for invasion of privacy.
996*	Change limitation on anticipated receipts for educational service units adding school districts.
1055*	Exempt all personal property other than motor vehicles from taxation.
1138*	Authorize first responders and additional categories of emergency medical technicians.
1139*	Change the appointment procedure of the Director of Natural Resources.
1217*	Change provisions for motor vehicle certificates of title.
1279*	Require the Legislature to adopt master plans for road construction.

LR

222*	Petition U.S. Congress to amend Constitution to prohibit desecration of the U.S. flag.
444CA*	Exempt tangible property from taxation except for motor vehicles which are inventory.

REX HABERMAN

LB

22*	Provide for legislative review of administrative rules and regulations.
52	Establish a medical education scholarship program.
214	Require faculty members of public postsecondary institutions to be fluent in English.
267	Provide penalty for selling, leasing, transferring, or delivering a firearm to felons.
268	Create the offense of use of deadly weapons to commit a felony.
269	Permit an origination fee under the Nebraska Installment Sales Act.
346*	Require records on insurance companies, brokers, and agents.

801*	Require criminal history record check prior to sale or delivery of a handgun.
872*	Require certain persons involved in motor vehicle accidents to submit to chemical tests.
913*	Repeal the Local Option Revenue Act.
948*	Authorize delivery of water for irrigation purposes to lands not described in permits.
1074	Change the term "copartnership" to "partnership" relating to banks.
1083	Exempt pension funds received by retired military personnel from income tax.

LR

211CA*	Constitutional amendment to grant rights to victim of crime in criminal proceedings.
222*	Petition U.S. Congress to amend Constitution to prohibit desecration of the U.S. flag.

TIMOTHY J. HALL

LB

149*	Require state to fund the Schools for the Deaf and Visually Handicapped.
293*	Establish the Legal Services Loan Assistance Repayment Program.
298*	Provide for a death benefit under workers' compensation.
299	Exempt personal property other than certain vehicles from taxation.
301*	Require filings by privately owned utilities selling natural gas in Nebraska.
302*	Self-Service Storage Act.
321*	Require supervision of apprentice electricians.
322	Require tax commissioner to supply a list of railroad operating properties.
323	Change provisions for persons attending Schools for the Deaf and Visually Handicapped.
326*	Charitable Solicitation Registration Act.
327*	Eliminate the death penalty.
332*	Provide a deduction from income for certain educational expenses.
346*	Require records on insurance companies, brokers, and agents.
346A	Appropriations Bill.
384*	Eliminate enforcement duties of the Accountability and Disclosure Commission.

401*	Authorize appointment of multidisciplinary child protection teams.
405*	Provide for durable power of attorney for certain medical treatment decisions.
491*	Provide for installation of ignition interlock devices.
492	Change provisions for airport authority boards in metropolitan class cities.
524	Provide for valuation of agricultural and horticultural land for tax year 1991.
541*	Change distribution of cigarette tax.
553*	Appropriate funds to Department of Roads for transportation of handicapped and elderly persons.
555	Change the admissibility of evidence in certain crimes, wrongs, or acts.
567*	Change provision for classes of bingo licenses.
733	Change hours during which sale of alcoholic liquors is unlawful.
734	Create a statewide file on real estate sales.
734A	Appropriation Bill.
735*	Change disability and maximum weekly income benefits under workers' compensation.
735A	Appropriation Bill.
736	Eliminate the ex officio member of the Legislature's Executive Board.
739	Change provisions for funds appropriated to the Banking Department for Nebraska Depository Institution Guaranty Corporation losses.
800	Authorize civil action for damages resulting from misrepresentation of age by a minor.
805*	State Lottery Act.
823*	Require a preplacement home study in certain adoption proceedings.
934A	Appropriation Bill.
994	Change provisions relating to revenue and taxation.
995	Change provisions relating to income taxation.
997*	Change the surcharge on depreciation.
1003	Change the weekly benefit amount for employment security.
1004*	Provide for a generation-skipping transfer or distribution tax.
1031	Exclude luxury limousine service from certificate of public convenience requirement.
1032	Redefine contractor or repairperson and retail sale or sale at retail for sales tax.

1090	Provide increase in the cigarette tax for funding of cancer research.
1100*	Change provisions for taxation of bingo.
1105*	Change provisions for publication of financial statements by cities and villages.
1120*	Change and eliminate property tax exemptions.
1120A*	Appropriation Bill.
1121*	Exempt personal property from taxation for tax year 1992.
1164	Adopt the Property Tax Full Disclosure Act.
1166*	Permit leasing of certain facilities by Nebraska Schools for Deaf and Visually Handicapped.
1169*	Require legislative approval for system of service for developmentally disabled people.
1173*	Redefine the term veterinary medicine and surgery.
1175*	Adopt the Horseracing Industry Participants Bill of Rights Act.
1242	Provide a residency requirement for commissioners of a county housing authority.
1243	Prohibit insurers from requiring use of certain glass replacement for motor vehicles.
1244*	Require a statewide file on real estate.
1245	Eliminate a property tax exemption for certain not-for-profit hospitals.
1246	Change provisions relating to revenue and taxation.
1270*	Adopt the Nebraska Civil Rights Act of 1992.
1271	Change provisions governing state aid to certain governmental subdivisions.
1283*	Provide for unalterable identification cards and driver's licenses.
1289*	Authorize counties, cities, and villages to conduct more than one type of lottery.
LR	
6CA*	Place the Board of Regents under direction of the Coordinating Commission for Postsecondary Education.
18CA	Provide for a state lottery system and a commission.
186CA***	Change provisions relating to taxation of certain tangible property.
444CA*	Exempt tangible property from taxation except for motor vehicles which are inventory.

D. PAUL HARTNETT

LB	
180*	Redefine the term "physician" for purposes of the physician-patient privilege.
201*	Authorize Governor to negotiate a tribal-state compact regulating certain gambling.
314*	Change provisions for bicycles on roadways.
315	Change provisions for taking of certain depositions.
321*	Require supervision of apprentice electricians.
406*	Impose requirements for transportation and disposal of solid waste.
507	Provide setting time limit for zoning matters before a planning commission.
510	Require licenses for acquisition, possession, and disposition of antique slot machines.
513	Provide for annexation of sanitary and improvement districts by villages.
514	Change provisions for employment of supportive pharmacy personnel.
520*	Exempt newspaper advertising supplements from sales tax.
522*	Authorize criminal history information be required as condition for certain employment.
542*	Change administration of the Legislative Academy for Youth Leadership.
576*	Provide additional requirement for application to construct electrical facilities.
669*	Change provisions for disposable diaper requirements.
765	Provide duties and limitations for municipalities annexing territory.
767	Municipal Impact Fee Authorization Act.
768	Local Solid Waste Management Control Act.
770	Require smoke detectors.
771	Provide for cost of living increases for members of school retirement system.
804*	Change provisions for economic development.
872*	Require certain persons involved in motor vehicle accidents to submit to chemical tests.
909*	Provide duties for Department of Health and county clerks regarding marriage licenses.
929*	Increase the number of members serving on the State Racing Commission.
943*	Appropriate funds for grants for automation of certain library operations.
948*	Authorize delivery of water for irrigation purposes to lands not described in permits.

958*	Require the use of seat belts in motor vehicles.
972*	Change provisions relating to sales tax returns.
1062*	Authorize county attorney to review cases of juveniles places in out of home placement.
1096*	Provide penalties for traffic violations in school zones and school crossings.
1097*	Provide penalties for traffic violations in school zones and school crossings.
1149*	Change provisions for which counties may establish a County Visitors Improve. Fund.
1169*	Require legislative approval for system of service for developmentally disabled people.
1176*	Authorize the acquisition of certain public power districts.
1184*	Authorize establishment of child abuse and neglect investigation and treatment teams.
1192*	Adopt the Homeless Shelter Assistance Fund Act.
1240*	Authorize the designation of enterprise zones.
1240A	Appropriation Bill.
1244*	Require a statewide file on real estate.
1250	Adopt the Firefighters and Emergency Responders Training Act.
1251*	Provide for interjurisdictional planning commissions for first and second class cities.
1252	Provide for a petition for annexing of sanitary and improvement districts.
1253	Change provisions relating to utilities.
1254	Exempt purchases by nonprofit corporations serving the elderly from sales and use tax.
1257*	Adopt the Integrated Solid Waste Management Act and other provisions on solid waste.
LR	
17CA	Establish preference for use of waters of natural stream for municipal purposes.
186CA***	Change provisions relating to taxation of certain tangible property.

ELROY M. HEFNER

LB

34	Change provisions for marking and filling of cylinders and petroleum gas tanks.
132*	Adopt the Nebraska Education Centers Act.
291*	Provide revocation of drivers' licenses for drug and alcohol violations.
295*	Adopt the Athlete Agents Registration Act.

384*	Eliminate enforcement duties of the Accountability and Disclosure Commission.
411	Change computation of the employer's contribution rate under employment security law.
512*	Change dates for the affiliation of school districts.
520*	Exempt newspaper advertising supplements from sales tax.
532*	Authorize suspension of driving privileges for certain juveniles.
556*	Campaign Finance Limitation Act.
570	Change provisions for uses of the Waste Reduction and Recycling Incentive Fund.
690*	Change provisions for eligibility for employment security benefits.
788*	Authorize plans for construction of public events center at Mead, Nebraska.
799*	Change cigarette tax disbursement and provide for construction by State Colleges.
801*	Require criminal history record check prior to sale or delivery of a handgun.
872*	Require certain persons involved in motor vehicle accidents to submit to chemical tests.
873	Require a motor vehicle parked on the highways to be registered.
874*	Change the mode of inflicting the death penalty.
875	Change provisions for when a grand jury shall be called.
880	Change the classifications of felonies and penalties for certain drug offenses.
882*	Change conditions for unemployment benefits for students.
912*	Change provisions for payment of election expenses by public power districts.
913*	Repeal the Local Option Revenue Act.
963*	Change provision for relinquishment of financial aid for collegiate athletes.
972*	Change provisions relating to sales tax returns.
980*	Change provisions relating to dealer plates for motor vehicle registration.
983*	Establish the Nebraska Community Services Block Grant Program.
1013*	Change provisions relating to motor vehicle fuel taxes.
1055*	Exempt all personal property other than motor vehicles from taxation.
1102*	Change provisions for establishing rates of pay under the Industrial Relations Act.
1169*	Require legislative approval for system of service for developmentally disabled people.

1217*	Change provisions for motor vehicle certificates of title.
1241*	Change powers for purchase and lease of property by state agencies.

LR

4CA*	Require net proceeds from highway use taxes be used for highway construction.
210*	Provide ratification of U.S. Constitutional amendment regarding Congressional pay raises.
211CA*	Constitutional amendment to grant rights to victim of crime in criminal proceedings.
213CA*	Constitutional amendment to provide repeal of death penalty shall be voted on by people.
222*	Petition U.S. Congress to amend Constitution to prohibit desecration of the U.S. flag.

JOYCE HILLMAN

LB

129*	Provide for development of a Trailside Complex at Fort Robinson State Park.
132*	Adopt the Nebraska Education Centers Act.
241*	Change disbursement of cigarette tax for capital construction projects at University of Nebraska.
459*	Authorize warrantless seizure of certain property during drug investigations.
527*	Change provisions for child and spousal support.
612*	Authorize contracts for operation of places of correctional confinement.
640*	Change provisions for state regulation of abortions.
696*	Provide for the execution of a power of attorney for health care.
799*	Change cigarette tax disbursement and provide for construction by State Colleges.
801*	Require criminal history record check prior to sale or delivery of a handgun.
943*	Appropriate funds for grants for automation of certain library operations.
948*	Authorize delivery of water for irrigation purposes to lands not described in permits.
1057*	Change the contribution rate in the county employee's retirement system.
1082*	Appropriate funds for Disabled Persons and Family Support Act.
1095*	Change fees for drivers' licenses, licensing, and registration.

1097*	Provide penalties for traffic violations in school zones and school crossings.
1111*	Redefine "commercial motor vehicle."
1138*	Authorize first responders and additional categories of emergency medical technicians.
1154*	Allow banks to own stock or have other interests in community development corporations.
1155*	Establish the Health Advisory Board in the Department of Motor Vehicles.
1156*	Change provisions for learner's permits, school permits, and farm permits.
1169*	Require legislative approval for system of service for developmentally disabled people.
1177*	Change rates and provisions for prejudgment interest and interest on open credit accounts.
1178*	Change provisions relating to designation of anatomical gifts.
1178A	Appropriation Bill.
1181*	Provide for a medical hardship permit to operate a motor vehicle.
1217*	Change provisions for motor vehicle certificates of title.
1237*	Change provisions for judicial districts and judicial vacancies.
LR	
186CA***	Change provisions relating to taxation of certain tangible property.
210*	Provide ratification of U.S. Constitutional amendment regarding Congressional pay raises.

THOMAS R. HORGAN

LB	
136*	Change the rate of interest on delinquent child support payments.
146*	Change the manner of selection of the Director of Legislative Research.
174*	Provide for issuance of park entry permits to veterans.
283*	Provide funding for certain family practice residency programs.
308*	Create a registry of persons with brain or head injuries.
327*	Eliminate the death penalty.
532*	Authorize suspension of driving privileges for certain juveniles.
576*	Provide additional requirement for application to construct electrical facilities.

947*	Change provisions relating to an optional tax levy by hospital districts.
948*	Authorize delivery of water for irrigation purposes to lands not described in permits.
958*	Require the use of seat belts in motor vehicles.
973*	Provide for administrative fines by the Motor Vehicle Industry Licensing Board.
1001*	Change provisions for Class V school district retirement systems.
1008	Authorize fee for garbage and refuse removal in metropolitan class cities.
1042*	Prohibit use of certain titles relating to professional engineers and architects.
1169*	Require legislative approval for system of service for developmentally disabled people.
1176*	Authorize the acquisition of certain public power districts.
1178*	Change provisions relating to designation of anatomical gifts.
1192*	Adopt the Homeless Shelter Assistance Fund Act.
1217*	Change provisions for motor vehicle certificates of title.
1240*	Authorize the designation of enterprise zones.
1257*	Adopt the Integrated Solid Waste Management Act and other provisions on solid waste.
1279*	Require the Legislature to adopt master plans for road construction.
LR	
186CA***	Change provisions relating to taxation of certain tangible property.
210*	Provide ratification of U.S. Constitutional amendment regarding Congressional pay raises.

LOWELL C. JOHNSON

LB	
99	Define "excursion" and "dinner train" under the Nebraska Bingo Act.
101	Provide consultant trained in environmental issues to Department of Education.
241*	Change disbursement of cigarette tax for capital construction projects at University of Nebraska.
252*	Change requirements for wearing helmets by motorcyclists.
291*	Provide revocation of drivers' licenses for drug and alcohol violations.

391*	Appropriate funds to the Personal Property Tax Reimbursement Fund.
531*	Change provisions for boating and driving under the influence of alcohol or drugs.
532*	Authorize suspension of driving privileges for certain juveniles.
585*	Provide a hearing requirement for initiatives placed on the general election ballot.
691*	Provide for payment of costs by state when person is determined mentally incompetent.
801*	Require criminal history record check prior to sale or delivery of a handgun.
943*	Appropriate funds for grants for automation of certain library operations.
979	Allow display of dealer license plates from inside a motor vehicle.
980*	Change provisions relating to dealer plates for motor vehicle registration.
984*	Allow state chartered credit unions equal powers as federal credit unions.
985*	Allow state chartered savings and loan associations equal powers as federal associations.
1013*	Change provisions relating to motor vehicle fuel taxes.
1217*	Change provisions for motor vehicle certificates of title.
LR	
4CA*	Require net proceeds from highway use taxes be used for highway construction.
444CA*	Exempt tangible property from taxation except for motor vehicles which are inventory.

ROD JOHNSON

LB	
142A	Appropriation Bill.
143	Provide additional emergency medical service fees be assessed as court costs.
197*	Provide issuance of Pearl Harbor survivor and prisoner of war license plates to spouses.
201*	Authorize Governor to negotiate a tribal-state compact regulating certain gambling.
241*	Change disbursement of cigarette tax for capital construction projects at University of Nebraska.
338A	Appropriation Bill.
347	Provide guardian ad litems immunity from civil or criminal liability.
349	Change provisions for economic poisons.

349A	Appropriation Bill.
369	Prohibit zoning ordinances which limit the location of manufactured homes.
406*	Impose requirements for transportation and disposal of solid waste.
497	Provide funding for water quality projects and practices.
542*	Change administration of the Legislative Academy for Youth Leadership.
658	Prohibit trafficking in reptiles and amphibians native to Nebraska.
659	Establish an earth receiving station and appropriate funds.
661	Authorize Department of Environmental Control to hire staff to carry out solid waste duties.
669*	Change provisions for disposable diaper requirements.
697*	Require advanced planning study for the Prairie Bend project.
799*	Change cigarette tax disbursement and provide for construction by State Colleges.
801*	Require criminal history record check prior to sale or delivery of a handgun.
827*	Change provisions for local monitoring committees under Low-Level Waste Disposal Act.
827A	Appropriation Bill.
839**	Regional Waste Disposal Act.
886	Authorize a credit for service in a private school in School Employees Retirement System.
887	Change provisions for audits for public power and irrigation districts.
888	Provide for approval and renewal of permits for ground water uses and transfers.
889	Provide and change an additional basis for establishment of ground water control areas.
890	Provide conditions for approval and operation of irrigation projects.
891	State intent regarding surface water, ground water, and their relationship.
892	Authorize instream appropriations for aquifer recharge for public water supply.
893	Provide when user of ground water is liable for damage for interference with users.
948*	Authorize delivery of water for irrigation purposes to lands not described in permits.
952*	Provide a penalty for invasion of privacy.

971*	Change provisions for filling a vacancy on the Corn Development, Utilization, and Marketing Board.
981*	Change name of Department of Environmental Control to Department of Environmental Quality.
1114	Adopt the Agricultural Chemical Storage and Containment Act.
1114A	Appropriation Bill.
1138*	Authorize first responders and additional categories of emergency medical technicians.
1139*	Change the appointment procedure of the Director of Natural Resources.
1168	Eliminate provision authorizing use of municipal employees for street improvement.
1173*	Redefine the term veterinary medicine and surgery.
1175*	Adopt the Horseracing Industry Participants Bill of Rights Act.
1239*	Change methods for regulating water use in control and management areas.
1258*	Place time limitation on applications for investments by Ethanol Authority Development Board.
1277*	Provide for certain transfers of water rights.
LR	
9CA*	Authorize municipalities and counties to approve or deny certain liquor licenses.
222*	Petition U.S. Congress to amend Constitution to prohibit desecration of the U.S. flag.
444CA*	Exempt tangible property from taxation except for motor vehicles which are inventory.

DOUGLAS A. KRISTENSEN

LB	
38	Authorize use of federal funds for public target ranges.
65	Provide ministerial tax levies by counties are not counted against budget limitation.
187*	Prohibit proceedings against sureties.
222*	Change provisions for appeals from the Small Claims Court.
228*	Create the position of Counsel to the Legislature.
241*	Change disbursement of cigarette tax for capital construction projects at University of Nebraska.
262	Change provisions for contributory negligence.
291*	Provide revocation of drivers' licenses for drug and alcohol violations.
319*	Change motorcycle registration fees.
326*	Charitable Solicitation Registration Act.

336A	Appropriation Bill.
371*	Eliminate provision for commencement and limitation of a product liability action.
398*	Change powers and duties of county agricultural societies and fairboards.
428*	Adopt the Utilization Review Certification Act.
428A	Appropriation Bill.
445*	Change provisions for children with special health care needs.
523*	Convicted Sex Offender Act.
551*	Change provisions for orders of the Commission of Industrial Relations.
672*	Change provisions relating to retirement systems.
801*	Require criminal history record check prior to sale or delivery of a handgun.
899*	Provide for acquisition of property for purposes related to wetlands.
900	Change provisions relating to penal and correctional facilities.
901	Authorize issuance of injunctions and arrest and search warrants by facsimile transmission.
902	Consolidate provisions relating to inmate wages.
903	Adopt the Fine Art Consignment Act.
904*	Adopt the Limited Liability Company Act.
943*	Appropriate funds for grants for automation of certain library operations.
948*	Authorize delivery of water for irrigation purposes to lands not described in permits.
988*	Adopt the Legislative Program Evaluation Act.
999	Change provisions relating to testacy proceedings.
1000	Change the amount payable to a minor without a conservator.
1049	Provide for limit on recovery in actions brought under the State Tort Claims Act.
1104*	Appropriate funds for the Museum of Nebraska Art.
1195	Change provisions relating to appeals to Court of Appeals and the Supreme Court.
1196	Change provisions of the retirement systems for police officers in first class cities.
1197	Authorize creation of security interests in rents.
1258*	Place time limitation on applications for investments by Ethanol Authority Development Board.
1259	Change provision for powers of building and loan associations.

BERNICE LABEDZ

LB	
78*	Change informed consent provisions for abortion.
84*	Prohibit the use of public facilities and funds for certain abortions.
241*	Change disbursement of cigarette tax for capital construction projects at University of Nebraska.
332*	Provide a deduction from income for certain educational expenses.
473*	Require continuing education for electricians.
478*	Change provisions for abortion reporting forms.
527*	Change provisions for child and spousal support.
541*	Change distribution of cigarette tax.
557*	Change child abuse reporting and record keeping requirements.
559*	Provide annual training program for providers of services to abused children.
564	Authorize imposition of a fee on liquor retailers.
566	Redefine "physician" for purposes of the physician-patient privilege.
567*	Change provision for classes of bingo licenses.
743*	Provide for the expungement of juvenile records.
753*	Provide immunity from civil damages for nonprofit associations.
799*	Change cigarette tax disbursement and provide for construction by State Colleges.
814*	Civil Rights for Children.
872*	Require certain persons involved in motor vehicle accidents to submit to chemical tests.
937*	Establish a statute of limitations for civil actions based on childhood sexual abuse.
974	Prohibit disciplinary actions by employer based on use of lawful products by employee.
1099*	Provide for education and recruitment of potential bone marrow donors.
1100*	Change provisions for taxation of bingo.
1101	Change provisions relating to park permit fees and temporary and duplicate annual permits.
1148	Provide for crime of receiving, retaining, or disposing of stolen explosives.
1148A	Appropriation Bill.
1169*	Require legislative approval for system of service for developmentally disabled people.
1192*	Adopt the Homeless Shelter Assistance Fund Act.

1240*	Authorize the designation of enterprise zones.
LR	
222*	Petition U.S. Congress to amend Constitution to prohibit desecration of the U.S. flag.

HOWARD A. LAMB

LB	
223*	Provide for disposition of proceeds from sales of educational lands.
241*	Change disbursement of cigarette tax for capital construction projects at University of Nebraska.
291*	Provide revocation of drivers' licenses for drug and alcohol violations.
406*	Impose requirements for transportation and disposal of solid waste.
406A	Appropriation Bill.
512*	Change dates for the affiliation of school districts.
531*	Change provisions for boating and driving under the influence of alcohol or drugs.
621*	Provide for aggregation of checks when classifying offense of issuing a bad check.
719*	Change provisions relating to schools.
784*	Change provisions for technical community colleges.
785*	Change provisions for budget computations for affiliated school districts.
788*	Authorize plans for construction of public events center at Mead, Nebraska.
801*	Require criminal history record check prior to sale or delivery of a handgun.
872*	Require certain persons involved in motor vehicle accidents to submit to chemical tests.
883	Change the date personal and real property is assessed for taxation.
927	Change provisions for payments in lieu of taxes on property acquired by Game and Parks.
948*	Authorize delivery of water for irrigation purposes to lands not described in permits.
954*	Redefine "livestock forage vehicle."
980*	Change provisions relating to dealer plates for motor vehicle registration.
1111*	Redefine "commercial motor vehicle."
1138*	Authorize first responders and additional categories of emergency medical technicians.

1139*	Change the appointment procedure of the Director of Natural Resources.
1150	Change provisions relating to taxation.
1183	Authorize governmental entities to construct and lease medical facilities.
1194	Change provisions for changing boundaries of school districts.
1208*	Permit two or more county extension organizations to combine under combined budget.
1213*	Change provisions for transfer of funds to Railway Council by State Treasurer.
1214*	Provide for railroad preservation districts.
1238*	Change a provision for a limit on changes in state aid to schools.
1239*	Change methods for regulating water use in control and management areas.
1277*	Provide for certain transfers of water rights.
LR	
222*	Petition U.S. Congress to amend Constitution to prohibit desecration of the U.S. flag.
229CA*	Constitutional amendment authorizing Legislature to tax tangible personal property.

DAVID LANDIS

LB	
89	Establish the Commission on African-American Affairs.
92	Change provisions of the Mobile Home Landlord and Tenant Act.
93	Provide for installation of ignition interlock devices.
241*	Change disbursement of cigarette tax for capital construction projects at University of Nebraska.
285	Provide exceptions to prohibition on borrowing from insurance companies by directors.
327*	Eliminate the death penalty.
401*	Authorize appointment of multidisciplinary child protection teams.
463*	Community Economic Development Partnership Act.
465*	State Government Effectiveness Act.
465A	Appropriation Bill.
466*	Change provisions for election of members of governing bodies in Lancaster County.
470*	Change provisions for establishment of detached auxiliary bank offices.
532*	Authorize suspension of driving privileges for certain juveniles.

532A	Appropriation Bill.
633*	Change provisions for calculation of tiered cost per student.
640*	Change provisions for state regulation of abortions.
649	Provide consultation with an attorney for persons in custody.
671*	Rights of the Terminally Ill Act.
818*	Change provisions for the offenses of unlawful and mass picketing.
905	Adopt the Uniform Premarital Agreement Act.
906	Adopt the Uniform Determination of Death Act.
907	Adopt the Nebraska Uniform Transfers to Minors Act.
922*	Provide for development and implementation of multicultural education programs.
962***	Change provisions for income tax rate schedules and computations.
962A	Appropriation Bill.
993*	Authorize procuring of life insurance policies by charitable organizations.
1004*	Provide for a generation-skipping transfer or distribution tax.
1006	Change and enact provisions relating to insurance.
1006A	Appropriation Bill.
1010	Change provisions relating to unlawful employment practices.
1033	Change provisions relating to trust companies.
1040*	Change retirement plan contribution rates for Lancaster County employees.
1062*	Authorize county attorney to review cases of juveniles places in out of home placement.
1063***	Change provisions relating to revenue and taxation.
1113*	Adopt the Continuing Care Retirement Community Act.
1132*	Create the Nebraska Student Loan Assistance Program.
1178*	Change provisions relating to designation of anatomical gifts.
1187*	Change provisions for automatic teller machines and provide for point of sale terminals.
1209	Change the penalty for third degree arson.
1215	Change provisions for branch banking.
1218*	Allow tax credit for unreimbursed losses of deposits in failed financial institutions.
1220*	Change provisions of the Comprehensive Health Insurance Pool.

LR	
2	Withdraw Nebraska's request for a U.S. Constitutional Convention.
186CA***	Change provisions relating to taxation of certain tangible property.
219CA***	Constitutional amendment to allow Legislature to provide for taxation of tangible property.

JOHN C. LINDSAY

LB	
54*	Provide for recall elections of the University of Nebraska Board of Regents.
78*	Change informed consent provisions for abortion.
84*	Prohibit the use of public facilities and funds for certain abortions.
136*	Change the rate of interest on delinquent child support payments.
187*	Prohibit proceedings against sureties.
283*	Provide funding for certain family practice residency programs.
287*	Authorize home care of the sick and developmentally disabled.
287A	Appropriation Bill.
288	Change criteria for a public body to conduct a closed session.
302*	Self-Service Storage Act.
306*	State intent regarding surface water, ground water, and their relationship.
327*	Eliminate the death penalty.
328*	Award attorney's fees in actions to collect medical payments under workers' compensation.
332*	Provide a deduction from income for certain educational expenses.
346*	Require records on insurance companies, brokers, and agents.
375*	Change provisions for child custody and visitation.
428*	Adopt the Utilization Review Certification Act.
523*	Convicted Sex Offender Act.
529	Campaign Committee Income Tax Act.
529A	Appropriation Bill.
530	Provide right of appeal from a denial of a motion to suppress.
541*	Change distribution of cigarette tax.
596	Change provisions for powers of attorney.

597	Change provisions for duties and salaries of the county comptroller.
620	Change provisions for liability for damage or injury to innocent third parties.
682*	Change provisions for monthly payment of retirement annuity to judges.
696*	Provide for the execution of a power of attorney for health care.
811*	Change provisions for judicial review of contested cases under the Administrative Procedures Act.
904*	Adopt the Limited Liability Company Act.
914*	Increase the Law Enforcement Improvement Fund fee in criminal proceedings.
915	Authorize consumption of liquor by passengers in limousines and charter buses.
943*	Appropriate funds for grants for automation of certain library operations.
962***	Change provisions for income tax rate schedules and computations.
964*	Provide powers and duties to the Nebraska Commission on Law Enforcement and Criminal Justice.
1044*	State intent regarding postsecondary educational instruction.
1050	Consolidate services relating to motor vehicle registrations, titles, and license plates.
1073*	Provide for confidentiality of possible sites containing archaeological significance.
1075	Allow investment companies to eliminate annual meetings of shareholders.
1100*	Change provisions for taxation of bingo.
1132*	Create the Nebraska Student Loan Assistance Program.
1169*	Require legislative approval for system of service for developmentally disabled people.
1176*	Authorize the acquisition of certain public power districts.
1184*	Authorize establishment of child abuse and neglect investigation and treatment teams.
1185*	Provide procedures and requirements for reductions and cancellations of athletic grants.
1189*	Adopt the Postsecondary Vocational and Job Training Assistance Program Act.
1190	Provide for liability for invasion of privacy for willfully tapping a telephone line.
1192*	Adopt the Homeless Shelter Assistance Fund Act.
1192A	Appropriation Bill.

1200	Establish liability of accountants.
1201	Adopt the Revenue Recovery in Hospital Billing Practices Act.
1240*	Authorize the designation of enterprise zones.
LR	
210*	Provide ratification of U.S. Constitutional amendment regarding Congressional pay raises.

DANIEL C. LYNCH

LB	
55*	Provide penalty for failure to perform certain duties relating to flagged school records.
144*	Change provisions relating to nurse practitioner-anesthetists.
229	Provide for the registration of contractors.
279*	Change provision for payment of nonresident tuition for certain students.
279A	Appropriation Bill.
281	Provide immunity from civil liability for retired physicians.
287*	Authorize home care of the sick and developmentally disabled.
301*	Require filings by privately owned utilities selling natural gas in Nebraska.
308*	Create a registry of persons with brain or head injuries.
308A	Appropriation Bill.
321*	Require supervision of apprentice electricians.
327*	Eliminate the death penalty.
332*	Provide a deduction from income for certain educational expenses.
417*	Appropriate funds to increase Title XX respite care rates.
485*	Appropriate funds to the Nebraska Coordinating Commission for Postsecondary Education.
518*	Prohibit granting of permit for commercial infectious waste incinerators.
519	Change provisions for transporting refuse on certain highways.
520*	Exempt newspaper advertising supplements from sales tax.
521	Change fees of the clerk of the district court.
533	Change provisions of the Nebraska Pickle Card Lottery Act.
542*	Change administration of the Legislative Academy for Youth Leadership.
545*	Change responsibility for providing medical assistance to the poor.

546*	Change provisions for zoning regulations for first and second class cities and villages.
547*	Restrict zoning authority for first and second class cities and villages.
548*	Eliminate a restriction on incorporation of villages.
553*	Appropriate funds to Department of Roads for transportation of handicapped and elderly persons.
557*	Change child abuse reporting and record keeping requirements.
559*	Provide annual training program for providers of services to abused children.
606	Provide free birth certificate under Missing Children Identification Act.
609	Change provision for membership of a housing authority.
743*	Provide for the expungement of juvenile records.
744*	Require additional services for victims of abuse.
814*	Civil Rights for Children.
823*	Require a preplacement home study in certain adoption proceedings.
823A	Appropriation Bill.
835*	Change provisions relating to the Comprehensive Health Insurance Pool veterans.
872*	Require certain persons involved in motor vehicle accidents to submit to chemical tests.
933*	Change provisions for improperly parking in spaces designated for disabled persons.
941	Change provision relating to power of metropolitan city zoning board of appeals.
948*	Authorize delivery of water for irrigation purposes to lands not described in permits.
958*	Require the use of seat belts in motor vehicles.
1001*	Change provisions for Class V school district retirement systems.
1044*	State intent regarding postsecondary educational instruction.
1047	Appropriate funds to Department of Social Services to increase Title XX respite care rates.
1057*	Change the contribution rate in the county employee's retirement system.
1087*	Change provisions for privately owned offstreet parking facilities.
1088*	Appropriate funds to the Coordinating Commission for Postsecondary Education for state aid.

1089	Change provision for contents of receipt delivered by a depository to court officials.
1091	Redefine "motorcycle."
1154*	Allow banks to own stock or have other interests in community development corporations.
1155*	Establish the Health Advisory Board in the Department of Motor Vehicles.
1156*	Change provisions for learner's permits, school permits, and farm permits.
1169*	Require legislative approval for system of service for developmentally disabled people.
1184*	Authorize establishment of child abuse and neglect investigation and treatment teams.
1188*	Eliminate the Thoroughbred Racing Assistance Fund.
1189*	Adopt the Postsecondary Vocational and Job Training Assistance Program Act.
1192*	Adopt the Homeless Shelter Assistance Fund Act.
1223	Impose fee on certain businesses engaged in motor vehicle rentals.
1224	Eliminate provisions relating to the County Visitors Improvement Fund.
1240*	Authorize the designation of enterprise zones.
LR	
214CA*	Constitutional amendment to allow in lieu of tax payments for cities water supply property.

SCOTT MOORE

LB	
252*	Change requirements for wearing helmets by motorcyclists.
351	Limit minors access to pornography.
352	Authorize certain persons to apply for licenses to conduct horseraces.
459*	Authorize warrantless seizure of certain property during drug investigations.
503*	Authorize use of oral pharmaceutical agents by optometrists.
503A	Appropriation Bill.
655	Require insurance coverage for health care services provided by licensed professionals.
801*	Require criminal history record check prior to sale or delivery of a handgun.
908	Change provisions for adoption of standard codes by a county board.

943*	Appropriate funds for grants for automation of certain library operations.
948*	Authorize delivery of water for irrigation purposes to lands not described in permits.
976	Change approval procedures for capital construction by Coordinating Commission for Postsecondary Education.
993*	Authorize procuring of life insurance policies by charitable organizations.
1055*	Exempt all personal property other than motor vehicles from taxation.
1076	Change provisions for eligibility for medical assistance.
1077	Change provisions relating to aid to dependent children payments to pregnant women.
1078	Exclude certain services of therapists for medical assistance recipients.
1079	Exclude certain services and health aides from medical assistance recipients.
1080	Exclude certain persons from eligibility for medical assistance.
1120*	Change and eliminate property tax exemptions.
1120A*	Appropriation Bill.
1121*	Exempt personal property from taxation for tax year 1992.
1152	Require sales tax be paid prior to obtaining a motor vehicle certificate of title.
1157	Require municipalities to impose a sales and use tax.
1158	Provide for a sales tax on food.
1159	Provide for an increase in the income tax rate.
1160	Change the rates of income and sales tax.
1161	Change provisions for collection of sales and use tax.
1162	Change and eliminate provisions on the surcharge on depreciation.
1170*	Provide increase in motor vehicle fuel tax and earmark fuel taxes.
1178*	Change provisions relating to designation of anatomical gifts.
1187*	Change provisions for automatic teller machines and provide for point of sale terminals.
1207*	Change provision for valuation of certain centrally assessed property.
1266	Provide for a tax on certain unearned income.
1267	Provide an additional duty for the Nebraska Arts Council.
1268	Provide for and eliminate transfers from the Cash Reserve Fund.

1272*	Change provisions for cost of education for nonresident student who is ward of the state.
LR	
227CA	Constitutional amendment to exempt certain tangible personal property from taxation.
260	Urge the Governor to call special session should the constitutional amendment on property tax fail to be enacted.
261	Urge the Governor to call special session should the constitutional amendment on property tax be enacted.
444CA*	Exempt tangible property from taxation except for motor vehicles which are inventory.

SPENCER W. MORRISSEY

LB	
145*	Adopt the Family Medical Leave Act.
252*	Change requirements for wearing helmets by motorcyclists.
379	Require proof of financial responsibility to obtain driver's license.
380	Provide personnel records are confidential.
383	Provide for removal of vegetation or debris at railroad crossings.
406*	Impose requirements for transportation and disposal of solid waste.
467*	Change the workers' compensation schedule.
503*	Authorize use of oral pharmaceutical agents by optometrists.
505*	Provide for creation of the Solid Waste Disposal Coordination Board.
527*	Change provisions for child and spousal support.
556*	Campaign Finance Limitation Act.
568	Radioactive Waste Disposal Liability Act.
576*	Provide additional requirement for application to construct electrical facilities.
593	Require storage of classified low-level radioactive waste in a licensed facility.
799*	Change cigarette tax disbursement and provide for construction by State Colleges.
818*	Change provisions for the offenses of unlawful and mass picketing.
827*	Change provisions for local monitoring committees under Low-Level Waste Disposal Act.
872*	Require certain persons involved in motor vehicle accidents to submit to chemical tests.

910*	Authorize voter registration when obtaining or changing a driver's license.
962***	Change provisions for income tax rate schedules and computations.
981*	Change name of Department of Environmental Control to Department of Environmental Quality.
1058*	Provide for emergency medical technicians-AM and emergency medical technicians-IV.
1138*	Authorize first responders and additional categories of emergency medical technicians.
1169*	Require legislative approval for system of service for developmentally disabled people.
1170*	Provide increase in motor vehicle fuel tax and earmark fuel taxes.
1176*	Authorize the acquisition of certain public power districts.
1205	Permit loans associated with solid waste disposal under Nebraska Investment Finance Authority Act.
1212*	Provide for use of reusable diapers in early childhood programs.
1214*	Provide for railroad preservation districts.
1226*	Change provisions relating to solid waste disposal.
1240*	Authorize the designation of enterprise zones.
1257*	Adopt the Integrated Solid Waste Management Act and other provisions on solid waste.
1257A	Appropriation Bill.

ARLENE NELSON

LB	
130*	Restrict sale of cigarettes by vending machines.
132*	Adopt the Nebraska Education Centers Act.
140*	Provide for extension of certain filing deadlines for homestead exemptions.
194*	Change the jurisdictional amount in county court proceedings.
226*	Adopt the Physical Exercise Club Act.
226A	Appropriations Bill.
241*	Change disbursement of cigarette tax for capital construction projects at University of Nebraska.
282*	Provide for the licensing of commercial dog operators.
326*	Charitable Solicitation Registration Act.
375*	Change provisions for child custody and visitation.
423*	Provide drug and alcohol treatment for medicaid recipients.

459*	Authorize warrantless seizure of certain property during drug investigations.
540*	Create the Children and Adolescent Alcohol and Drug Abuse Treatment Rehabilitation Fund.
542*	Change administration of the Legislative Academy for Youth Leadership.
543	Change retirement benefits for county and state employees.
613*	Beverage Containers Deposit and Recycling Act.
640*	Change provisions for state regulation of abortions.
671*	Rights of the Terminally Ill Act.
672*	Change provisions relating to retirement systems.
697*	Require advanced planning study for the Prairie Bend project.
743*	Provide for the expungement of juvenile records.
744*	Require additional services for victims of abuse.
821*	Provide for treatment of sellers and lessors as manufacturers in liability actions.
872*	Require certain persons involved in motor vehicle accidents to submit to chemical tests.
922*	Provide for development and implementation of multicultural education programs.
931*	Change and eliminate provisions relating to transfers of museum property.
932	Provide methods for the payment of employee wages.
933*	Change provisions for improperly parking in spaces designated for disabled persons.
937*	Establish a statute of limitations for civil actions based on childhood sexual abuse.
943*	Appropriate funds for grants for automation of certain library operations.
948*	Authorize delivery of water for irrigation purposes to lands not described in permits.
972*	Change provisions relating to sales tax returns.
1001*	Change provisions for Class V school district retirement systems.
1011*	Change a provision relating to the liability of dog owners.
1057*	Change the contribution rate in the county employee's retirement system.
1087*	Change provisions for privately owned offstreet parking facilities.
1154*	Allow banks to own stock or have other interests in community development corporations.
1155*	Establish the Health Advisory Board in the Department of Motor Vehicles.

1178*	Change provisions relating to designation of anatomical gifts.
1237*	Change provisions for judicial districts and judicial vacancies.
1279*	Require the Legislature to adopt master plans for road construction.
LR	
186CA***	Change provisions relating to taxation of certain tangible property.
210*	Provide ratification of U.S. Constitutional amendment regarding Congressional pay raises.

RICHARD PETERSON

LB	
130*	Restrict sale of cigarettes by vending machines.
132*	Adopt the Nebraska Education Centers Act.
163	Change security deposits under the Uniform Residential Landlord Tenant Act.
191*	Prohibit interference with sport hunting.
252*	Change requirements for wearing helmets by motorcyclists.
273	Impose tax on manufacturer or distributor of carbonated soft drinks.
291*	Provide revocation of drivers' licenses for drug and alcohol violations.
415*	Change provision for publication of financial statements by cities and villages.
473*	Require continuing education for electricians.
512*	Change dates for the affiliation of school districts.
520*	Exempt newspaper advertising supplements from sales tax.
569	Change definition of "predecessor successor corporation."
787	Provide a cause of action for enforcement under the Nebraska Condominium Act.
801*	Require criminal history record check prior to sale or delivery of a handgun.
872*	Require certain persons involved in motor vehicle accidents to submit to chemical tests.
913*	Repeal the Local Option Revenue Act.
969	Change provisions for the purchase and lease of property by and for state agencies.
973*	Provide for administrative fines by the Motor Vehicle Industry Licensing Board.
1138*	Authorize first responders and additional categories of emergency medical technicians.

1169*	Require legislative approval for system of service for developmentally disabled people.
1213*	Change provisions for transfer of funds to Railway Council by State Treasurer.
1214*	Provide for railroad preservation districts.
1241*	Change powers for purchase and lease of property by state agencies.
1241A	Appropriation Bill.
LR	
222*	Petition U.S. Congress to amend Constitution to prohibit desecration of the U.S. flag.

CAROL MCBRIDE PIRSCH

LB	
102	Change provisions of the Nebraska Crime Victim's Reparations Act.
103	Change provisions for calling a grand jury by a district court.
104	Require notices of changes in zoning classification for metropolitan class cities.
108	Change offense of interference with firefighter to include medical service providers.
110	Change provisions for selling obscene materials to minors.
111	Change provisions relating to theft, issuing a bad check, and restitution.
197*	Provide issuance of Pearl Harbor survivor and prisoner of war license plates to spouses.
216	Provide and harmonize penalties for littering of public and private property.
217	Enhance penalties for violation of drug laws by certain persons.
226*	Adopt the Physical Exercise Club Act.
241*	Change disbursement of cigarette tax for capital construction projects at University of Nebraska.
291*	Provide revocation of drivers' licenses for drug and alcohol violations.
302*	Self-Service Storage Act.
448	Redefine "not-for-profit organization."
451	Change penalty for marijuana possession.
459*	Authorize warrantless seizure of certain property during drug investigations.
484	Provide an out-of-state rendition amendment to the Interstate Compact on Juveniles.
495*	Prohibit certain actions relating to the adoption of children.

522*	Authorize criminal history information be required as condition for certain employment.
532*	Authorize suspension of driving privileges for certain juveniles.
612*	Authorize contracts for operation of places of correctional confinement.
641	Change provisions relating to credit unions.
643	Change provisions for access to records of abused or neglected persons.
644	Prohibit certain advertisements and notices for adoption of children.
872*	Require certain persons involved in motor vehicle accidents to submit to chemical tests.
914*	Increase the Law Enforcement Improvement Fund fee in criminal proceedings.
924	Provide space on income tax forms for refunds to be contributed to Victims Compensation Fund.
925	Change provisions for qualifications of members of the Board of Parole.
937*	Establish a statute of limitations for civil actions based on childhood sexual abuse.
952*	Provide a penalty for invasion of privacy.
973*	Provide for administrative fines by the Motor Vehicle Industry Licensing Board.
991*	Provide powers and duties for law enforcement officers.
1014	Change provisions relating to disciplinary hearings in correctional institutions.
1021	Provide for right of protest for determination of tax deficiency.
1098*	Provide for the crime of stalking.
1102*	Change provisions for establishing rates of pay under the Industrial Relations Act.
1221*	Transfer and repeal provisions relating to sentencing in criminal procedures.
1279*	Require the Legislature to adopt master plans for road construction.
LR	
208CA*	Constitutional amendment to give persons who will be eighteen right to vote.
210*	Provide ratification of U.S. Constitutional amendment regarding Congressional pay raises.
211CA*	Constitutional amendment to grant rights to victim of crime in criminal proceedings.

213CA*	Constitutional amendment to provide repeal of death penalty shall be voted on by people.
222*	Petition U.S. Congress to amend Constitution to prohibit desecration of the U.S. flag.

JESSIE K. RASMUSSEN

LB	
201*	Authorize Governor to negotiate a tribal-state compact regulating certain gambling.
241*	Change disbursement of cigarette tax for capital construction projects at University of Nebraska.
287*	Authorize home care of the sick and developmentally disabled.
289*	Adopt standards prohibiting use of corporal punishment by early childhood care providers.
308*	Create a registry of persons with brain or head injuries.
327*	Eliminate the death penalty.
401*	Authorize appointment of multidisciplinary child protection teams.
428*	Adopt the Utilization Review Certification Act.
445*	Change provisions for children with special health care needs.
545*	Change responsibility for providing medical assistance to the poor.
640*	Change provisions for state regulation of abortions.
677*	Long-Term Care Ombudsman Act.
728*	Parenting Act.
818*	Change provisions for the offenses of unlawful and mass picketing.
951*	Change provisions relating to discriminatory employment practices.
958*	Require the use of seat belts in motor vehicles.
1084	Change provisions for unlawful employment practices for disabled persons.
1086*	Provide for salary stipends for Head Start teachers.
1145	Provide for communication agreements relating to adoption.
1146	Adopt the Third-Party Administrator Act.
1146A	Appropriation Bill.
1147	Change provisions for appointment and duties of guardians ad litem.
1176*	Authorize the acquisition of certain public power districts.
1178*	Change provisions relating to designation of anatomical gifts.

1184*	Authorize establishment of child abuse and neglect investigation and treatment teams.
1184A	Appropriation Bill.
1192*	Adopt the Homeless Shelter Assistance Fund Act.
1217*	Change provisions for motor vehicle certificates of title.
1235*	Appropriate funds to the Department of Education for early childhood programs.
1240*	Authorize the designation of enterprise zones.
1278*	Provide for administration of IV treatment and nasogastric tube therapy by licensed practical nurses.
1278A	Appropriation Bill.
1284*	Require referendum on changing method of nomination of candidates to boards of education.
LR	
9CA*	Authorize municipalities and counties to approve or deny certain liquor licenses.

JENNIE ROBAK

LB	
140*	Provide for extension of certain filing deadlines for homestead exemptions.
158	Provide for synchronization of traffic control signals.
173*	Require certain school districts provide preparation time for teachers.
174*	Provide for issuance of park entry permits to veterans.
180*	Redefine the term "physician" for purposes of the physician-patient privilege.
197*	Provide issuance of Pearl Harbor survivor and prisoner of war license plates to spouses.
241*	Change disbursement of cigarette tax for capital construction projects at University of Nebraska.
252*	Change requirements for wearing helmets by motorcyclists.
263	Authorize the imposition of intermittent sentences.
332*	Provide a deduction from income for certain educational expenses.
396*	Prohibit institutional vandalism and ethnic intimidation.
401*	Authorize appointment of multidisciplinary child protection teams.
512*	Change dates for the affiliation of school districts.
522*	Authorize criminal history information be required as condition for certain employment.
527*	Change provisions for child and spousal support.
573*	Create Nebraska Planning and Development Regions.

801*	Require criminal history record check prior to sale or delivery of a handgun.
814*	Civil Rights for Children.
929*	Increase the number of members serving on the State Racing Commission.
942*	Provide issuance of special license plates for active Nebraska National Guard members.
943*	Appropriate funds for grants for automation of certain library operations.
944	Require notice of eligibility for review of restrictive insurance riders or endorsements.
945	Permit wine sampling in certain retail outlets.
972*	Change provisions relating to sales tax returns.
973*	Provide for administrative fines by the Motor Vehicle Industry Licensing Board.
983*	Establish the Nebraska Community Services Block Grant Program.
1051	Exclude civilian employees of county sheriff's office from classified service.
1052	Provide for license to sell liquor outside corporate limits of cities and villages.
1056*	Appropriate funds to Department of Social Services for domestic violence programs.
1057*	Change the contribution rate in the county employee's retirement system.
1073*	Provide for confidentiality of possible sites containing archaeological significance.
1095*	Change fees for drivers' licenses, licensing, and registration.
1096*	Provide penalties for traffic violations in school zones and school crossings.
1097*	Provide penalties for traffic violations in school zones and school crossings.
1098*	Provide for the crime of stalking.
1126	Change the time for filing written charge of unlawful employment practice violation.
1181*	Provide for a medical hardship permit to operate a motor vehicle.
1188*	Eliminate the Thoroughbred Racing Assistance Fund.
1278*	Provide for administration of IV treatment and nasogastric tube therapy by licensed practical nurses.
LR	
186CA***	Change provisions relating to taxation of certain tangible property.

210*	Provide ratification of U.S. Constitutional amendment regarding Congressional pay raises.
215CA	Constitutional amendment to exempt certain property from uniformity requirements.
222*	Petition U.S. Congress to amend Constitution to prohibit desecration of the U.S. flag.

C. N. "BUD" ROBINSON

LB

131*	Provide reimbursement of attorney's fees incurred by schools for judicial proceedings.
191*	Prohibit interference with sport hunting.
195*	Provide for an appropriation for the Nebraska Indian Community College.
662*	Create the School Aid Fund.
801*	Require criminal history record check prior to sale or delivery of a handgun.
872*	Require certain persons involved in motor vehicle accidents to submit to chemical tests.
912*	Change provisions for payment of election expenses by public power districts.
963*	Change provision for relinquishment of financial aid for collegiate athletes.
996*	Change limitation on anticipated receipts for educational service units adding school districts.
1081*	Change the boundary line between Iowa and Nebraska.
1088*	Appropriate funds to the Coordinating Commission for Postsecondary Education for state aid.
1169*	Require legislative approval for system of service for developmentally disabled people.

LR

222*	Petition U.S. Congress to amend Constitution to prohibit desecration of the U.S. flag.

CARSON H. ROGERS

LB

84*	Prohibit the use of public facilities and funds for certain abortions.
121	Add Howard County to the brand inspection area.
139*	Provide for an official slogan for the state.
201*	Authorize Governor to negotiate a tribal-state compact regulating certain gambling.
241*	Change disbursement of cigarette tax for capital construction projects at University of Nebraska.

275*	Adopt the Dairy Industry Development Act.
287*	Authorize home care of the sick and developmentally disabled.
291*	Provide revocation of drivers' licenses for drug and alcohol violations.
327*	Eliminate the death penalty.
332*	Provide a deduction from income for certain educational expenses.
365	Require payment of interest on proceeds from a life insurance policy.
366	Change provisions relating to grain warehouses.
366A	Appropriation Bill.
394*	Waive exclusion by health insurance pools for medically handicapped children.
478*	Change provisions for abortion reporting forms.
520*	Exempt newspaper advertising supplements from sales tax.
527*	Change provisions for child and spousal support.
531*	Change provisions for boating and driving under the influence of alcohol or drugs.
542*	Change administration of the Legislative Academy for Youth Leadership.
551*	Change provisions for orders of the Commission of Industrial Relations.
584	Provide for radon testing in nonresidential structures and schools.
590	Authorize a penalty for violations of law by automatic dialing-announcing devices.
788*	Authorize plans for construction of public events center at Mead, Nebraska.
801*	Require criminal history record check prior to sale or delivery of a handgun.
884	Permit county boards to transfer property to the state.
885	Adopt the County Initiative and Referendum Act.
913*	Repeal the Local Option Revenue Act.
929*	Increase the number of members serving on the State Racing Commission.
962***	Change provisions for income tax rate schedules and computations.
983*	Establish the Nebraska Community Services Block Grant Program.
988*	Adopt the Legislative Program Evaluation Act.
1055*	Exempt all personal property other than motor vehicles from taxation.
1058*	Provide for emergency medical technicians-AM and emergency medical technicians-IV.

1121*	Exempt personal property from taxation for tax year 1992.
1138*	Authorize first responders and additional categories of emergency medical technicians.
1138A	Appropriation Bill.
1169*	Require legislative approval for system of service for developmentally disabled people.
1226*	Change provisions relating to solid waste disposal.
1239*	Change methods for regulating water use in control and management areas.
LR	
9CA*	Authorize municipalities and counties to approve or deny certain liquor licenses.
222*	Petition U.S. Congress to amend Constitution to prohibit desecration of the U.S. flag.

STAN SCHELLPEPER

LB	
45	Change provisions for the boundaries of public power districts.
46*	Appropriate funds for the Nursing Incentive Act.
132*	Adopt the Nebraska Education Centers Act.
144*	Change provisions relating to nurse practitioner-anesthetists.
145*	Adopt the Family Medical Leave Act.
241*	Change disbursement of cigarette tax for capital construction projects at University of Nebraska.
252*	Change requirements for wearing helmets by motorcyclists.
283*	Provide funding for certain family practice residency programs.
291*	Provide revocation of drivers' licenses for drug and alcohol violations.
327*	Eliminate the death penalty.
328*	Award attorney's fees in actions to collect medical payments under workers' compensation.
332*	Provide a deduction from income for certain educational expenses.
371*	Eliminate provision for commencement and limitation of a product liability action.
398*	Change powers and duties of county agricultural societies and fairboards.
401*	Authorize appointment of multidisciplinary child protection teams.

406*	Impose requirements for transportation and disposal of solid waste.
431*	Childhood Vaccine Act.
481	Authorize school districts to exceed budget limits to fund higher health insurance costs.
545*	Change responsibility for providing medical assistance to the poor.
546*	Change provisions for zoning regulations for first and second class cities and villages.
547*	Restrict zoning authority for first and second class cities and villages.
548*	Eliminate a restriction on incorporation of villages.
551*	Change provisions for orders of the Commission of Industrial Relations.
556*	Campaign Finance Limitation Act.
612*	Authorize contracts for operation of places of correctional confinement.
764	Change provisions for sanitary and improvement district elections.
799*	Change cigarette tax disbursement and provide for construction by State Colleges.
801*	Require criminal history record check prior to sale or delivery of a handgun.
802	Change provisions for membership in the State Patrolmen's Retirement System.
872*	Require certain persons involved in motor vehicle accidents to submit to chemical tests.
997*	Change the surcharge on depreciation.
1055*	Exempt all personal property other than motor vehicles from taxation.
1062*	Authorize county attorney to review cases of juveniles places in out of home placement.
1092	Provide for medical hardship permits and change certain motor vehicle fees.
1092A	Appropriation Bill.
1093	Change provisions for objecting to transfer of public property.
1094	Increase the rate of tax authorized for certain public safety purposes by cities.
1128	Change provisions for racetrack fee collection and distribution.
1129	Change provisions for interstate simulcast facility license applications.
1144	Provide for payment of state registration fee for licensed liquor establishments.

1169*	Require legislative approval for system of service for developmentally disabled people.
1174	Change provisions for authority of certain schools to issue bonds.
1214*	Provide for railroad preservation districts.
1217*	Change provisions for motor vehicle certificates of title.
1238*	Change a provision for a limit on changes in state aid to schools.
1241*	Change powers for purchase and lease of property by state agencies.
1251*	Provide for interjurisdictional planning commissions for first and second class cities.
LR	
186CA***	Change provisions relating to taxation of certain tangible property.
222*	Petition U.S. Congress to amend Constitution to prohibit desecration of the U.S. flag.

DIANNA R. SCHIMEK

LB	
116*	Change provisions for the requirements for health education in public schools.
130*	Restrict sale of cigarettes by vending machines.
145*	Adopt the Family Medical Leave Act.
293*	Establish the Legal Services Loan Assistance Repayment Program.
310	Increase the maximum civil penalty for violations relating to natural gas pipelines.
326*	Charitable Solicitation Registration Act.
327*	Eliminate the death penalty.
418*	Provide for a written independent living plan for certain juveniles.
466*	Change provisions for election of members of governing bodies in Lancaster County.
493*	Change powers and duties of the Auditor of Public Accounts.
556*	Campaign Finance Limitation Act.
557*	Change child abuse reporting and record keeping requirements.
559*	Provide annual training program for providers of services to abused children.
633*	Change provisions for calculation of tiered cost per student.
640*	Change provisions for state regulation of abortions.

722*	Change provisions for fund expenditures for payment of telecommunications equipment.
818*	Change provisions for the offenses of unlawful and mass picketing.
910*	Authorize voter registration when obtaining or changing a driver's license.
910A	Appropriation Bill.
911*	Authorize animal control officers to issue citations.
922*	Provide for development and implementation of multicultural education programs.
926*	Change the maximum weekly income benefit for workers' compensation.
939*	Change provisions regulating the consumption of alcoholic liquor on public property.
949	Eliminate certain prohibitions on cross-employment for state employees.
951*	Change provisions relating to discriminatory employment practices.
958*	Require the use of seat belts in motor vehicles.
977*	Change provisions relating to elections.
989*	Change provisions for the contest of elections for members of the Legislature.
1023*	Provide food service training program in State Capitol through Division of Rehabilitation Services.
1040*	Change retirement plan contribution rates for Lancaster County employees.
1060*	Authorize instruction in braille reading and writing for visually handicapped children.
1062*	Authorize county attorney to review cases of juveniles places in out of home placement.
1098*	Provide for the crime of stalking.
1103*	Eliminate the right to remove a case from small claims court.
1167*	Limit control of certain cities and villages over public buildings owned by other agencies.
1169*	Require legislative approval for system of service for developmentally disabled people.
1184*	Authorize establishment of child abuse and neglect investigation and treatment teams.
1192*	Adopt the Homeless Shelter Assistance Fund Act.
1193*	Change provisions relating to registration of voters.
1204*	Change the amount of actual value of a homestead to be exempt.
1218*	Allow tax credit for unreimbursed losses of deposits in failed financial institutions.

1230	Adopt the Budget Enforcement Act of 1992 and provide powers for Governor.
LR	
186CA***	Change provisions relating to taxation of certain tangible property.
210*	Provide ratification of U.S. Constitutional amendment regarding Congressional pay raises.
211CA*	Constitutional amendment to grant rights to victim of crime in criminal proceedings.

LORAN SCHMIT

LB	
49	Change provisions for conducting water into or along natural streams or channels.
66	Change provision of the Erosion and Sediment Control Act.
84*	Prohibit the use of public facilities and funds for certain abortions.
198	Allow the Department of Water Resources to request assistance from peace officers.
211	Prohibit interference with lawful irrigation activity.
212	Require a study of ground and surface water management.
212A	Appropriation Bill.
312	Provide for liability for the release of certain animals.
327*	Eliminate the death penalty.
332*	Provide a deduction from income for certain educational expenses.
346*	Require records on insurance companies, brokers, and agents.
384*	Eliminate enforcement duties of the Accountability and Disclosure Commission.
389*	Provide payment of grade school/high school tuition for children living on University property.
470*	Change provisions for establishment of detached auxiliary bank offices.
476	Change provisions for appointment of guardian ad litem in juvenile court actions.
546*	Change provisions for zoning regulations for first and second class cities and villages.
547*	Restrict zoning authority for first and second class cities and villages.
548*	Eliminate a restriction on incorporation of villages.
557*	Change child abuse reporting and record keeping requirements.

559*	Provide annual training program for providers of services to abused children.
682*	Change provisions for monthly payment of retirement annuity to judges.
684	Require sale of educational lands.
697*	Require advanced planning study for the Prairie Bend project.
717	Require licensees to withhold portion of gambling receipts for live horseracing.
718	Change provisions for parimutuel wagering.
718A	Appropriation Bill.
743*	Provide for the expungement of juvenile records.
744*	Require additional services for victims of abuse.
749	Eliminate provision for adjustment factors under the Tax Equity and Educational Opportunities Act.
749A	Appropriation Bill.
750	Require the State Energy Office to develop and implement loan program for ethanol plant.
751	Provide an alternative performance-based employment contract for school employees.
754*	Extend tax reductions for ethanol fuels.
775	Change limitations on commencement of certain prosecutions.
788*	Authorize plans for construction of public events center at Mead, Nebraska.
799*	Change cigarette tax disbursement and provide for construction by State Colleges.
814*	Civil Rights for Children.
827*	Change provisions for local monitoring committees under Low-Level Waste Disposal Act.
929*	Increase the number of members serving on the State Racing Commission.
948*	Authorize delivery of water for irrigation purposes to lands not described in permits.
981*	Change name of Department of Environmental Control to Department of Environmental Quality.
1055*	Exempt all personal property other than motor vehicles from taxation.
1111*	Redefine "commercial motor vehicle."
1169*	Require legislative approval for system of service for developmentally disabled people.
1170*	Provide increase in motor vehicle fuel tax and earmark fuel taxes.
1227	Authorize sanctions by the courts for frivolous claims and defenses.

1228	Provide for unlimited branch banking.
1273	Levy a severance tax on ground water delivered to a point outside of Nebraska.
1274	Change rates for valuation of agricultural and horticultural land.
1275	Eliminate personal property exemptions under Employment and Investment Growth Act.
1276	Terminate the authority of school districts to levy a tax.
1277*	Provide for certain transfers of water rights.
1286	Provide for a moratorium under the Health Care Certificate of Need Act.
1287	Require Supreme Court Reporter to make magnetic media version of appellate court opinions.
1288*	Create the Depositors Contingency Fund.
1289*	Authorize counties, cities, and villages to conduct more than one type of lottery.

LR

8CA	Provide depositing percentage of income from educational land sales into school fund.
214CA*	Constitutional amendment to allow in lieu of tax payments for cities water supply property.
220	Approve gift of land from Concrete industries to Game and Parks Commission.
222*	Petition U.S. Congress to amend Constitution to prohibit desecration of the U.S. flag.
230CA	Constitutional amendment authorizing Legislature to provide for taxation.
444CA*	Exempt tangible property from taxation except for motor vehicles which are inventory.

EDWARD J. SCHROCK

LB

191*	Prohibit interference with sport hunting.
241*	Change disbursement of cigarette tax for capital construction projects at University of Nebraska.
446*	Change requirements for sale of reformulated gasoline.
527*	Change provisions for child and spousal support.
531*	Change provisions for boating and driving under the influence of alcohol or drugs.
697*	Require advanced planning study for the Prairie Bend project.
754*	Extend tax reductions for ethanol fuels.
784*	Change provisions for technical community colleges.

788*	Authorize plans for construction of public events center at Mead, Nebraska.
801*	Require criminal history record check prior to sale or delivery of a handgun.
874*	Change the mode of inflicting the death penalty.
935*	Provide for suspension of an operator's license for certain drug offenses.
947*	Change provisions relating to an optional tax levy by hospital districts.
948*	Authorize delivery of water for irrigation purposes to lands not described in permits.
963*	Change provision for relinquishment of financial aid for collegiate athletes.
971*	Change provisions for filling a vacancy on the Corn Development, Utilization, and Marketing Board.
1011*	Change a provision relating to the liability of dog owners.
1055*	Exempt all personal property other than motor vehicles from taxation.
1073*	Provide for confidentiality of possible sites containing archaeological significance.
1111*	Redefine "commercial motor vehicle."
1139*	Change the appointment procedure of the Director of Natural Resources.
1154*	Allow banks to own stock or have other interests in community development corporations.
1155*	Establish the Health Advisory Board in the Department of Motor Vehicles.
1156*	Change provisions for learner's permits, school permits, and farm permits.
1170*	Provide increase in motor vehicle fuel tax and earmark fuel taxes.
1178*	Change provisions relating to designation of anatomical gifts.
1239*	Change methods for regulating water use in control and management areas.
1277*	Provide for certain transfers of water rights.
LR	
186CA***	Change provisions relating to taxation of certain tangible property.
222*	Petition U.S. Congress to amend Constitution to prohibit desecration of the U.S. flag.

JACKLYN J. SMITH

LB	
46*	Appropriate funds for the Nursing Incentive Act.

56	Eliminate provisions for the creation and purpose of the Gaming Commission.
119	Change provisions for accounting examinations of Class I school districts.
134*	Appropriate funds for geographic education.
139*	Provide for an official slogan for the state.
140*	Provide for extension of certain filing deadlines for homestead exemptions.
169*	Require Department of Social Services to provide liability coverage to foster parents.
201*	Authorize Governor to negotiate a tribal-state compact regulating certain gambling.
252*	Change requirements for wearing helmets by motorcyclists.
287*	Authorize home care of the sick and developmentally disabled.
319*	Change motorcycle registration fees.
326*	Charitable Solicitation Registration Act.
327*	Eliminate the death penalty.
345	Change provisions for bingo and other gambling.
406*	Impose requirements for transportation and disposal of solid waste.
418*	Provide for a written independent living plan for certain juveniles.
431*	Childhood Vaccine Act.
446*	Change requirements for sale of reformulated gasoline.
453*	Provide for entry upon property by political subdivision personnel.
527*	Change provisions for child and spousal support.
531*	Change provisions for boating and driving under the influence of alcohol or drugs.
556*	Campaign Finance Limitation Act.
581	Provide for interstate combined wagering pools and interstate simulcasts.
669*	Change provisions for disposable diaper requirements.
743*	Provide for the expungement of juvenile records.
744*	Require additional services for victims of abuse.
801*	Require criminal history record check prior to sale or delivery of a handgun.
822*	Family Services Incentive Act.
LR	
9CA*	Authorize municipalities and counties to approve or deny certain liquor licenses.

186CA***	Change provisions relating to taxation of certain tangible property.

JEROME WARNER

LB	
80	Establish a General Fund budget limitation.
83	Require State Board of Equalization and Assessment to set sales and income tax rates.
146*	Change the manner of selection of the Director of Legislative Research.
206	Require appropriations for laws enacted which increase total inmate populations.
238	Eliminate provisions requiring the deposit of certain fees in the General Fund.
291*	Provide revocation of drivers' licenses for drug and alcohol violations.
327*	Eliminate the death penalty.
489	Exempt acquisitions of private property from uniform procedures.
490	Change provision for determination of capacity under the enrollment option program.
585*	Provide a hearing requirement for initiatives placed on the general election ballot.
585A	Appropriation Bill.
624	Appropriate funds to the Department of Administrative Services.
633*	Change provisions for calculation of tiered cost per student.
662*	Create the School Aid Fund.
744*	Require additional services for victims of abuse.
814*	Civil Rights for Children.
828*	Authorize continued renovation of Morrill Hall.
897	Provide for research and report by Department of Revenue relating to tax policy changes.
897A	Appropriation Bill.
898	Change provisions relating to the Legislative Council.
962***	Change provisions for income tax rate schedules and computations.
989*	Change provisions for the contest of elections for members of the Legislature.
1013*	Change provisions relating to motor vehicle fuel taxes.
1025*	Provide for applicability of provision dealing with collection of tax in 1992.
1040*	Change retirement plan contribution rates for Lancaster County employees.

1063***	Change provisions relating to revenue and taxation.
1063A	Appropriation Bill.
1072	Provide levy for elimination of accessibility barriers in schools.
1073*	Provide for confidentiality of possible sites containing archaeological significance.
1140	Eliminate the State Building Advisory Commission and create the Nebraska Capitol Commission.
1208*	Permit two or more county extension organizations to combine under combined budget.
1218*	Allow tax credit for unreimbursed losses of deposits in failed financial institutions.

LR

4CA*	Require net proceeds from highway use taxes be used for highway construction.
15CA	Provide alternative amendment to the State Constitution relative to abortion.
186CA***	Change provisions relating to taxation of certain tangible property.
219CA***	Constitutional amendment to allow Legislature to provide for taxation of tangible property.
222*	Petition U.S. Congress to amend Constitution to prohibit desecration of the U.S. flag.

ROGER R. WEHRBEIN

LB

149*	Require state to fund the Schools for the Deaf and Visually Handicapped.
241*	Change disbursement of cigarette tax for capital construction projects at University of Nebraska.
274	Create the Climate Assessment Response Committee.
275*	Adopt the Dairy Industry Development Act.
275A	Appropriation Bill.
291*	Provide revocation of drivers' licenses for drug and alcohol violations.
573*	Create Nebraska Planning and Development Regions.
613*	Beverage Containers Deposit and Recycling Act.
666	Require Department of Health to develop materials for use in schools relating to smoking.
799*	Change cigarette tax disbursement and provide for construction by State Colleges.
872*	Require certain persons involved in motor vehicle accidents to submit to chemical tests.

943*	Appropriate funds for grants for automation of certain library operations.
950	Change provisions relating to salary in the commission form of government.
971*	Change provisions for filling a vacancy on the Corn Development, Utilization, and Marketing Board.
984*	Allow state chartered credit unions equal powers as federal credit unions.
985*	Allow state chartered savings and loan associations equal powers as federal associations.
1009	Create the Nebraska Council on Economic Education Fund.
1023*	Provide food service training program in State Capitol through Division of Rehabilitation Services.
1139*	Change the appointment procedure of the Director of Natural Resources.
1166*	Permit leasing of certain facilities by Nebraska Schools for Deaf and Visually Handicapped.
1170*	Provide increase in motor vehicle fuel tax and earmark fuel taxes.
1180	Eliminate a property tax exemption for household goods and personal effects.
1208*	Permit two or more county extension organizations to combine under combined budget.
1241*	Change powers for purchase and lease of property by state agencies.
1258*	Place time limitation on applications for investments by Ethanol Authority Development Board.
LR	
222*	Petition U.S. Congress to amend Constitution to prohibit desecration of the U.S. flag.
229CA*	Constitutional amendment authorizing Legislature to tax tangible personal property.

DON WESELY

LB	
145*	Adopt the Family Medical Leave Act.
226*	Adopt the Physical Exercise Club Act.
327*	Eliminate the death penalty.
387A	Appropriation Bill.
394*	Waive exclusion by health insurance pools for medically handicapped children.
412	Critical Incident Stress Debriefing Act.
414	Rehabilitation and Support Mental Health Services Incentive Act.

416	Change provisions for prescriptions provided to indigent persons.
417*	Appropriate funds to increase Title XX respite care rates.
421*	Change provisions for the definition of licensed practical nurse.
423*	Provide drug and alcohol treatment for medicaid recipients.
424*	Change provisions relating to elections.
426*	Authorize a College of Osteopathic Medicine and Surgery as a cooperative venture.
431*	Childhood Vaccine Act.
431A*	Appropriation Bill.
445*	Change provisions for children with special health care needs.
463*	Community Economic Development Partnership Act.
465*	State Government Effectiveness Act.
466*	Change provisions for election of members of governing bodies in Lancaster County.
494	Appropriate funds for the Nebraska Food Processing Center.
495*	Prohibit certain actions relating to the adoption of children.
496	Nebraska Connection Network Act.
518*	Prohibit granting of permit for commercial infectious waste incinerators.
527*	Change provisions for child and spousal support.
537*	Small Employer Health Insurance Act.
537A	Appropriation Bill.
538	Health Insurance Access Act.
538A	Appropriation Bill.
539	Eliminate continuing education requirements for sanitarians.
540*	Create the Children and Adolescent Alcohol and Drug Abuse Treatment Rehabilitation Fund.
552*	Foreign and Domestic Trade Assistance Act.
556*	Campaign Finance Limitation Act.
557*	Change child abuse reporting and record keeping requirements.
559*	Provide annual training program for providers of services to abused children.
633*	Change provisions for calculation of tiered cost per student.
675	Provide for children's mental health teams.

676	Provide establishment and maintenance of independent living centers and programs.
677*	Long-Term Care Ombudsman Act.
677A	Appropriation Bill.
678	Provide for training of mental health boards and change mental health treatment provisions.
678A	Appropriation Bill.
679	Health Care Data Commission Act.
680	Rural Health Innovation and Enhancement Act.
696*	Provide for the execution of a power of attorney for health care.
702A	Appropriation Bill.
822*	Family Services Incentive Act.
824	Change and authorize regulation of the Nebraska State Capitol Environs District.
826*	Continuing Care Retirement Community Act.
828*	Authorize continued renovation of Morrill Hall.
832	Mental Retardation and Developmental Disabilities Salary Enhancement Act.
833	Mental Retardation and Developmental Disabilities Comprehensive Training Act.
834	Community-Based Mental Retardation and Developmental Disabilities Personnel Certification Act.
835*	Change provisions relating to the Comprehensive Health Insurance Pool veterans.
835A	Appropriation Bill.
962***	Change provisions for income tax rate schedules and computations.
980*	Change provisions relating to dealer plates for motor vehicle registration.
981*	Change name of Department of Environmental Control to Department of Environmental Quality.
1019A	Appropriation Bill.
1040*	Change retirement plan contribution rates for Lancaster County employees.
1082*	Appropriate funds for Disabled Persons and Family Support Act.
1086*	Provide for salary stipends for Head Start teachers.
1113*	Adopt the Continuing Care Retirement Community Act.
1118*	Change powers and duties of guardians and conservators of disabled persons.
1204*	Change the amount of actual value of a homestead to be exempt.
1216	Adopt the Buy American Act.

1218*	Allow tax credit for unreimbursed losses of deposits in failed financial institutions.
1220*	Change provisions of the Comprehensive Health Insurance Pool.
1222	Provide program for public employees to eliminating exposure to bloodborne pathogens.
1229	Require real estate brokers to maintain an interest-bearing checking account.
1261	Change provisions for use of money loaned from Natural Gas Regulation Revolving Loan Fund.
1280	Limit an adjustment to income for capital gains.
1281	Change provisions relating to title insurance.
1282	Designate the Health Care Reform Act.
1285	Adopt the Health Services Availability Act.
LR	
7CA*	Require legislative confirmation of judicial appointments.
20CA*	Change the convening date of ninety day legislative session.
186CA***	Change provisions relating to taxation of certain tangible property.
210*	Provide ratification of U.S. Constitutional amendment regarding Congressional pay raises.

WILLIAM R. "BOB" WICKERSHAM

LB	
129*	Provide for development of a Trailside Complex at Fort Robinson State Park.
132*	Adopt the Nebraska Education Centers Act.
194*	Change the jurisdictional amount in county court proceedings.
527*	Change provisions for child and spousal support.
612*	Authorize contracts for operation of places of correctional confinement.
622	Change provisions for valuation of school lands and saline lands.
785*	Change provisions for budget computations for affiliated school districts.
799*	Change cigarette tax disbursement and provide for construction by State Colleges.
801*	Require criminal history record check prior to sale or delivery of a handgun.
818*	Change provisions for the offenses of unlawful and mass picketing.

872*	Require certain persons involved in motor vehicle accidents to submit to chemical tests.
899*	Provide for acquisition of property for purposes related to wetlands.
919	Eliminate provision dealing with issue of barring by a statute of limitations.
931*	Change and eliminate provisions relating to transfers of museum property.
942*	Provide issuance of special license plates for active Nebraska National Guard members.
947*	Change provisions relating to an optional tax levy by hospital districts.
948*	Authorize delivery of water for irrigation purposes to lands not described in permits.
962***	Change provisions for income tax rate schedules and computations.
973*	Provide for administrative fines by the Motor Vehicle Industry Licensing Board.
1058*	Provide for emergency medical technicians-AM and emergency medical technicians-IV.
1138*	Authorize first responders and additional categories of emergency medical technicians.
1151	Provide for liability of a person who permits consumption of alcohol by a minor.
1153	Change provision for dissolution and affiliation of affiliated Class I districts.
1154*	Allow banks to own stock or have other interests in community development corporations.
1155*	Establish the Health Advisory Board in the Department of Motor Vehicles.
1169*	Require legislative approval for system of service for developmentally disabled people.
1172*	Adopt the Railroad Safety Act.
1177*	Change rates and provisions for prejudgment interest and interest on open credit accounts.
1178*	Change provisions relating to designation of anatomical gifts.
1199	Change provisions relating to county court jurisdiction.
1213*	Change provisions for transfer of funds to Railway Council by State Treasurer.
1214*	Provide for railroad preservation districts.
1237*	Change provisions for judicial districts and judicial vacancies.
1237A	Appropriation Bill.
1255	Provide attorney's fees for minor children's attorneys.

LR	
186CA***	Change provisions relating to taxation of certain tangible property.
222*	Petition U.S. Congress to amend Constitution to prohibit desecration of the U.S. flag.

ERIC WILL

LB	
120	Provide a homestead exemption for all homesteads.
146*	Change the manner of selection of the Director of Legislative Research.
149*	Require state to fund the Schools for the Deaf and Visually Handicapped.
201*	Authorize Governor to negotiate a tribal-state compact regulating certain gambling.
307	Change powers of metropolitan water districts and utilities districts.
314*	Change provisions for bicycles on roadways.
332*	Provide a deduction from income for certain educational expenses.
371*	Eliminate provision for commencement and limitation of a product liability action.
401*	Authorize appointment of multidisciplinary child protection teams.
407	Provide for judicial review of school board decisions on personnel matters.
415*	Change provision for publication of financial statements by cities and villages.
473*	Require continuing education for electricians.
479	Eliminate provisions for contract deadlines for school employees.
491*	Provide for installation of ignition interlock devices.
520*	Exempt newspaper advertising supplements from sales tax.
527*	Change provisions for child and spousal support.
541*	Change distribution of cigarette tax.
553*	Appropriate funds to Department of Roads for transportation of handicapped and elderly persons.
728*	Parenting Act.
774	Change provisions for election of board of directors for public power districts.
804*	Change provisions for economic development.
805*	State Lottery Act.
819	Create offenses involving criminal street gang activities.
849A	Appropriation Bill.

926*	Change the maximum weekly income benefit for workers' compensation.
928	Provide for issuance of handicapped parking permits by certain county clerks.
936	Redefine "occupational disease" to include cumulative trauma for workers' compensation.
936A	Appropriation Bill.
951*	Change provisions relating to discriminatory employment practices.
964*	Provide powers and duties to the Nebraska Commission on Law Enforcement and Criminal Justice.
1001*	Change provisions for Class V school district retirement systems.
1005	Change provisions for approval of application for facilities and transmission lines.
1053	Establish statute of limitations for civil actions based on childhood sexual abuse.
1061	Change provisions relating to horseracing.
1086*	Provide for salary stipends for Head Start teachers.
1099*	Provide for education and recruitment of potential bone marrow donors.
1100*	Change provisions for taxation of bingo.
1105*	Change provisions for publication of financial statements by cities and villages.
1117	Change provisions of the Uniform Disposition of Unclaimed Property Act.
1137	Change provision for distribution of net profits from the sale of pickle cards.
1169*	Require legislative approval for system of service for developmentally disabled people.
1173*	Redefine the term veterinary medicine and surgery.
1175*	Adopt the Horseracing Industry Participants Bill of Rights Act.
1192*	Adopt the Homeless Shelter Assistance Fund Act.
1202	Eliminate personal property tax exemptions.
1203	Impose a tax on disposable diapers.
1219	Authorize restitution to victims for damages from uncharged and dismissed offenses.
1240*	Authorize the designation of enterprise zones.
1244*	Require a statewide file on real estate.
1283*	Provide for unalterable identification cards and driver's licenses.
LR	
6CA*	Place the Board of Regents under direction of the Coordinating Commission for Postsecondary Education.

206CA	Constitutional amendment to eliminate board and give Governor power to grant pardons.

RON WITHEM

LB	
17*	Regulate the payment of petition circulators.
18	Prohibit scheduling of certain meetings, events, or activities on election day.
26	Change provisions of sanitary and improvement districts.
54*	Provide for recall elections of the University of Nebraska Board of Regents.
55*	Provide penalty for failure to perform certain duties relating to flagged school records.
179*	Change provision of the composition of the University of Nebraska administration.
195*	Provide for an appropriation for the Nebraska Indian Community College.
208	Change provisions for valuation of school lands and saline lands.
245	Create the Nebraska Schools Accountability Commission.
245A	Appropriation Bill.
279*	Change provision for payment of nonresident tuition for certain students.
327*	Eliminate the death penalty.
532*	Authorize suspension of driving privileges for certain juveniles.
585*	Provide a hearing requirement for initiatives placed on the general election ballot.
719*	Change provisions relating to schools.
719A	Appropriation Bill.
894	Change maximum liability of parents for personal injuries inflicted by children.
895	Eliminate a duty for school districts relating to abortion.
896	Require Department of Motor Vehicles provide list of state i.d. card holders for jury lists.
896A	Appropriation Bill.
909*	Provide duties for Department of Health and county clerks regarding marriage licenses.
910*	Authorize voter registration when obtaining or changing a driver's license.
967	Provide premium rates for workers' compensation insurance not be based on payroll percentage.
968	Change provisions for required statements of sanitary and improvement districts.

988*	Adopt the Legislative Program Evaluation Act.
991*	Provide powers and duties for law enforcement officers.
1007	Change provisions relating to tiered cost per student and equalization aid.
1043	Establish the Nebraska Research Initiative Program.
1044*	State intent regarding postsecondary educational instruction.
1048	Change provisions relating to the high-rise building fire code.
1063***	Change provisions relating to revenue and taxation.
1099*	Provide for education and recruitment of potential bone marrow donors.
1099A	Appropriation Bill.
1110*	Adopt the Economy and Productivity in State Government Act.
1123*	Authorize credit of certain tax proceeds to the Excellence in Education Fund.
1124	Change provisions relating to postsecondary education award programs.
1125	Change provisions relating to schools.
1138*	Authorize first responders and additional categories of emergency medical technicians.
1169*	Require legislative approval for system of service for developmentally disabled people.
1170*	Provide increase in motor vehicle fuel tax and earmark fuel taxes.
1184*	Authorize establishment of child abuse and neglect investigation and treatment teams.
1192*	Adopt the Homeless Shelter Assistance Fund Act.
1193*	Change provisions relating to registration of voters.
1240*	Authorize the designation of enterprise zones.
1256	Require an open-bidding process for bonds relating to cities and villages.
LR	
186CA***	Change provisions relating to taxation of certain tangible property.
208CA*	Constitutional amendment to give persons who will be eighteen right to vote.
219CA***	Constitutional amendment to allow Legislature to provide for taxation of tangible property.

*	With others.
**	At the request of the Governor.
***	With others and at the request of the Governor.

LEGISLATIVE BILLS AND CONSTITUTIONAL AMENDMENT RESOLUTIONS BY INTRODUCERS

AGRICULTURE

LB	
959	Change publishing dates of weights and measures handbooks adopted by the Legislature.
960	Change provisions relating to the Department of Agriculture.
961	Change provisions relating to the Department of Agriculture.

APPROPRIATIONS

LB	
1294	Adopt the State Athletic Act.

BANKING, COMMERCE AND INSURANCE

LB	
757	Change provisions for financial institutions and eliminate references to federal savings and loan insurance corporations.
758	Change provisions for exemptions under the Securities Act.
759	Change provision for compliance with Federal Trade Commission rules.

BUSINESS AND LABOR

LB	
360	Change provisions relating to Court of Appeals and workers' compensation proceedings.
452	Change provisions of the Farm Labor Contractors Act.
1292	Appropriate funds for the payment of certain claims against the state.
1293	Disapprove certain claims against the state.

EDUCATION

LB	
698	Change provisions relating to schools.

EXECUTIVE BOARD

LB	
858	Revisor bill relating to state departments and agencies.
859	Revisor bill relating to accountants.

860	Revisor bill relating to the Department of Health and the State Board of Health.
861	Revisor bill relating to the Uniform Commercial Code.
862	Revisor bill relating to the Commission on Indian Affairs.
863	Revisor bill relating to community mental health outpatient clinic services.
864	Revisor bill relating to Railroad and Car Company Personal Property Tax Reimbursement Fund.
865	Revisor bill relating to schools.
866	Revisor bill relating to transmission lines in second class cities and villages.
867	Revisor bill relating to appropriations for the biennium.
868	Revisor bill relating to townships.
869	Revisor bill relating to initiative and referendum measures.
870	Revisor bill relating to banks.
871	Revisor bill relating to sales and use tax.
965	Change provisions relating to legislative committees.
988*	Adopt the Legislative Program Evaluation Act.

GENERAL AFFAIRS

LB	
1130	Change provisions for the state's liability for prizes awarded under State Lottery Act.
1131	Change provisions relating to gaming.

HEALTH AND HUMAN SERVICES

LB	
386	Change provisions relating to home health care.
387	Change provisions for complaints against physicians and surgeons.
388	Adopt the Community Public Health Services Act.
702	Change provisions for the Department of Health.
704	Change treatment of persons found not responsible by reason of insanity.
1015	Require the State Fire Marshal to establish standards for public buildings and facilities.
1016	Change provisions for requirements for laboratories for transfusions and bloodbanking.
1017	Provide for confidentiality of vital records.
1018	Change the authority of the State Board of Health regarding rules and regulations.
1019	Change provisions relating to public health and welfare.

NATURAL RESOURCES

LB	
338	Create the Ground Water Quality Maintenance Cash Fund.
339	Permit certain agreements between Game and Parks Commission and U.S. Fish and Wildlife Service.
342	Change provisions under the State Boat Act.
660	Provide exemption for natural resources district employees from Water Well Standards Licensing Act.
747	Restrict sales of electric energy by independent power producers.
748	Eliminate requirements for acceptance of real estate under the Low-Level Waste Disposal Act.
916	Permit shooting upland game birds and hand-reared mallard ducks for sporting dog trials.
917	Change provisions for allotment of water to appropriators for irrigation purposes.
918	Change provisions for labor and material payment bond requirements.
1028	Extend the termination date of the Nebraska Litter Reduction and Recycling Act.

NEBRASKA RETIREMENT SYSTEMS

LB	
474	Provide a supplemental retirement benefit for school employees.
475	Increase the formula annuity retirement allowance for school employees.
930	Appropriate funds to conduct a study of the retirement systems.
934	Change provisions of the county and state employees retirement systems.

REVENUE

LB	
1269	Redefine "cabin trailer" for purposes of taxation.

TRANSPORTATION

LB	
336*	Change the minimum age for obtaining a driver's license.
461	Change exemptions from Motor Carrier Safety Regulations and federal Hazardous Material Regulations.
1065	Change the fee for motor vehicle license plates.
1066	Regulate pay-per-call telephone services and provide duties for Public Service Commission.

1067	Adopt updated federal regulations for motor carriers relating to hazardous material.
1068	Provide exemption to motor carrier regulation for certain vehicles operated by Social Services.
1069	Change provisions for regular meetings of the State Highway Commission.
1070	Change provisions relating to motor vehicle accident reports.

URBAN AFFAIRS

LB	
746	Change provisions for metropolitan utilities districts.
1115	Authorize an accountant to report illegal acts relating to municipal audits.
1116	Change provisions relating to the cost of natural gas service.
1247	Permit subdivisions to include permanently installed manufactured homes in building codes.
1248	Permit first and second class cities to designate extraterritorial jurisdiction.
1249	Redefine "qualifying business" under the Local Option Municipal Economic Development Act.

*	With others.
**	At the request of the Governor.
***	With others and at the request of the Governor.

LEGISLATIVE BILLS AND RESOLUTIONS REFERRED TO COMMITTEE

Agriculture

Chairperson - Carson H. Rogers

121
274
275
282
312
349
366
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959
960
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971
1011
1024

Appropriations

Chairperson - Scott Moore

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134
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241
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Banking, Commerce and Insurance

Chairperson - David Landis

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Business and Labor

Chairperson - George Coordsen

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Education

Chairperson - Ron Withem

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LR6CA
LR8CA

General Affairs

Chairperson - Stan Schellpeper

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LR9CA
LR18CA

Government, Military and Veterans Affairs

Chairperson - Gerald Conway

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LR207CA
LR208CA
LR210
LR212CA
LR217CA

Health and Human Services

Chairperson - Don Wesely

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Judiciary

Chairperson - Jerry Chizek

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LR15CA
LR206CA
LR211CA
LR213CA
LR222

Natural Resources

Chairperson - Rod Johnson

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LR220

Nebraska Retirement Systems

Chairperson - Arlene Nelson

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Revenue

Chairperson - Timothy J. Hall

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LR4CA
LR186CA
LR214CA
LR215CA
LR219CA
LR227CA
LR229CA
LR230CA
LR260
LR261
LR244CA

Transportation

Chairperson - Douglas A. Kristensen

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Urban Affairs

Chairperson - D. Paul Hartnett

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SUMMARY OF LEGISLATION

The following table shows the final disposition

Length 60 days

Total Number of Bills Introduced, 92nd Legislature: 1294
Total Number of Bills Introduced, 1st Session: 857
Total Number of Bills Introduced, 2nd Session: 437
Total Number of Carryover Bills: 469
Total Number of "A" Bills Introduced, 92nd Legislature: 129
Total Number of "A" Bills Introduced, 1st Session: 78
Total Number of "A" Bills Introduced, 2nd Session: 51
Total Number of Carryover "A" Bills: 32
Total Number of Resolutions Introduced, 92nd Legislature (Including CA): 446
Total Number of Resolutions Introduced, 1st Session: 204
Total Number of Resolutions Introduced, 2nd Session: 242
Total Number of Carryover Resolutions: 11
Total Number of CA Resolutions Introduced, 92nd Legislature: 31
Total Number of CA Resolutions Introduced, 1st Session: 17
Total Number of CA Resolutions Introduced, 2nd Session: 14
Total Number of CA Resolutions Passed, 92nd Legislature: 3
Total Number of CA Resolutions Passed, 1st Session: 1
Total Number of CA Resolutions Passed, 2nd Session: 2
Total Number of Bills to Become Law, 1st Session: 276
Total Number of Bills to Become Law, 2nd Session: 144

Approved by Governor: (140)
21
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275A
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291A
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Line-item Veto: (1)
1241Ae

Returned by Governor Without Approval: (1)
562

Passed Notwithstanding Objections of Governor: (2)
718e
718Ae

Became Law Without Governor's Signature: (1)
958

Failed on Final Reading: (1)
126

Resolution CA Delivered to Secretary of State: (2)
LR9CA
LR219CA

Indefinitely Postponed: (837)
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2 Withdraw Nebraska's request for a U.S. Constitutional Convention.
(Landis) 68, 486
4CA Require net proceeds from highway use taxes be used for highway construction.
(Hefner, Warner, L. Johnson) 68, 888
6CA Place the Board of Regents under direction of the Coordinating Commission for Postsecondary Education.
(Will, Hall) 69, 451
7CA Require legislative confirmation of judicial appointments.
(Wesely, Chizek, Chambers) 70, 2284
8CA Provide depositing percentage of income from educational land sales into school fund.
(Schmit) 71, 451
9CA Authorize municipalities and counties to approve or deny certain liquor licenses.
(Smith, Cudaback, R. Johnson, Rogers,
Rasmussen) 72, 246, 327, 329,
549, 551, 641, 725, 726, 728, 733
15CA Provide alternative amendment to the State Constitution relative to abortion.

	(Warner)	73, 2284
17CA	Establish preference for use of waters of natural stream for municipal purposes. (Hartnett)	74, 977
18CA	Provide for a state lottery system and a commission. (Hall)	75, 2284
20CA	Change the convening date of ninety day legislative session. (Wesely, Baack)	75, 507, 2284
186CA	Change provisions relating to taxation of certain tangible property. (Baack, Hall, Hillman, Wickersham, Withem, Schimek, Smith, Schrock, Beutler, Robak, Nelson, Schellpeper, Dierks, Byars, Warner, Hartnett, Coordsen, Landis, Wesely, Horgan, request of Governor)	76, 156, 2284
205	Establish a select committee of the Legislature to conduct public hearing regarding sexual harassment in the workplace. (Schimek, Baack, Bohlke, Chambers, Crosby, Hillman, Labedz, Lindsay, Nelson, Pirsch, Rasmussen, Robak, Schellpeper, Wesely, Will)	146, 151, 167, 2284
206CA	Constitutional amendment to eliminate board and give Governor power to grant pardons. (Will)	147, 196, 488, 948, 2284
207CA	Constitutional amendment to allow persons convicted of a felony to vote. (Chambers)	148, 196, 335, 2284
208CA	Constitutional amendment to give persons who will be eighteen right to vote. (Pirsch, Chambers, Withem)	149, 196, 335, 948, 2284
209	Recognize Union College for 100th anniversary. (Crosby)	149, 212, 242
210	Provide ratification of U.S. Constitutional amendment regarding Congressional pay raises. (Wesely, Ashford, Beutler, Beyer, Hefner, Hillman, Horgan, Lindsay, Nelson, Pirsch, Robak, Schimek)	150, 233, 488, 755, 1088, 2284
211CA	Constitutional amendment to grant rights to victim of crime in criminal proceedings. (Pirsch, Ashford, Byars, Dierks, Haberman, Hefner, Schimek)	151, 233, 527, 1110, 2284
212CA	Constitutional amendment to permit Legislature to read bill by title on Final Reading.	

(Abboud) 179, 233, 388, 2284

213CA Constitutional amendment to provide repeal of death penalty shall be voted on by people.
(Pirsch, Hefner) 187, 233, 527, 2284

214CA Constitutional amendment to allow in lieu of tax payments for cities water supply property.
(Schmit, Lynch) 227, 259, 429, 888

215CA Constitutional amendment to exempt certain property from uniformity requirements.
(Robak) 228, 259, 429, 888

216 Declare Superior, Nebraska the Victorian Capital of Nebraska.
(Kristensen, Elmer) 260, 285, 316

217CA Constitutional amendment to allow Legislature to enact laws upon ratification by the people.
(Beutler) 269, 297, 488, 2284

218 Congratulate the North Omaha Boys Club Bears Football team for winning the 1991 National Youth Football championship.
(Chambers) 271, 285, 316

219CA Constitutional amendment to allow Legislature to provide for taxation of tangible property.
(Warner, Landis, Withem,
request of Governor) 272, 297, 429, 815, 995, 1092, 1151, 1170, 1178, 1182, 1189, 1204, 1253, 1273, 1285, 1292, 1296, 1303, 1314, 1319, 1321, 1322, 1323, 1335, 1561

220 Grant approval to Game & Parks Commission to obtain title for land to be utilized as a wildlife management area.
(Schmit) 294, 307, 324, 514, 2278, 2284

221 Provide approval of gift of land from the city of Red Cloud to the Game and Parks Commission.
(Kristensen) 327, 406, 456

222 Petition U.S. Congress to amend Constitution to prohibit desecration of the U.S. flag.
(Coordsen, Abboud, Beyer, Byars, Crosby,
Cudaback, Dierks, Elmer, Haberman, Hefner,
R. Johnson, Labedz, Lamb, Peterson,
Pirsch, Robak, Robinson, Rogers,
Schellpeper, Schmit, Schrock, Warner,
Wehrbein, Wickersham) 334, 370, 526, 1797, 2284

223 Express sympathy to the Ron Cope family.
(Kristensen) 343, 351, 379, 381

224 Congratulate the North Platte Mock Trial Team for winning state competition.

(Bernard-Stevens) 349, 381, 456

225 Interim study of the position of Director of Agriculture.
(Schellpeper, Hefner, Lamb, Coordsen) 354, 1888

226 Congratulate Lee Thurber for being selected national president of Future Farmers of America.
(Warner) 368, 406, 456

227CA Constitutional amendment to exempt certain tangible personal property from taxation.
(Moore) 373, 396, 429, 993

228 Congratulate Blake Johnson for winning the American Star Farmer Award.
(Schrock) 383, 686, 689

229CA Constitutional amendment authorizing Legislature to tax tangible personal property.
(Wehrbein, Lamb) 444, 471, 677, 693, 2284

230CA Constitutional amendment authorizing Legislature to provide for taxation.
(Schmit) 447, 471, 677, 2284

231 Designate June 14-20, 1992, as Old Vehicle Hobby Interest Recognition Week.
(Abboud) 459, 476, 492

232 Interim study of development of an exposition and convention complex, a "Nebraskaplex."
(Ashford, Abboud, Baack, Bernard-Stevens,
Beutler, Beyer, Bohlke, Byars, Chizek,
Conway, Coordsen, Crosby, Cudaback,
Dierks, Elmer, Hartnett, Hefner,
Hillman, Horgan, R. Johnson, Kristensen,
Lamb, Landis, Lynch, Moore, Morrissey,
Pirsch, Rasmussen, Robinson, Rogers,
Schellpeper, Schrock, Warner, Wehrbein,
Wesely, Wickersham, Will, Withem) 459, 1888

233 Congratulate Willard H. Waldo for receiving the Wagonmaster Award.
(Baack, Rogers, Byars,
Coordsen, Wehrbein) 474, 958, 959

234 Congratulate Reuben Snake, Jr. for receiving the Trailblazer Award.
(Baack, Conway, Robinson) 475, 509, 958, 959

235 Congratulate Dick Cheney for receiving the Distinguished Nebraskalander Award.
(Baack, Conway) 475, 958, 959

236 Congratulate Archbishop Daniel E. Sheehan for receiving the Pioneer Award.
(Baack, Horgan, Hall, Will, Abboud,

Hartnett, Ashford, Rasmussen, Chambers,
Labedz, Pirsch, Lindsay, Chizek,
Lynch) 486, 958, 959

237 Recognize Phyllis Lainson for outstanding service and leadership to city of Hastings.
(Bohlke) 589, 621, 643

238 Recognize 100th anniversary of Creighton University School of Medicine.
(Lindsay, Hartnett) 605, 621, 624

239 Recognize Saunders County as the Soybean Capital of Nebraska.
(Schmit) 850, 867, 893

240 Interim study of the public power industry in Nebraska.
(R. Johnson) 876, 1889

241 Interim study to examine practice of using judicial nominating commissions in the selection of judges.
(Haberman, Schimek) 899, 1889

242 Interim study of legislation which would enable law enforcement officials to track down people who supply beer to minors.
(Haberman) 900, 1889

243 Urge county assessors to declare hardship and not require personal property filings until March 31, 1992.
(Revenue Committee) 906, 916, 919, 924

244 Interim study of overcrowding in Nebraska's public schools.
(Chizek) 907, 1889

245 Interim study of the Nebraska state park system.
(R. Johnson) 942, 1889

246 Congratulate the Rushville High School boys for Class C state wrestling title.
(Wickersham) 978, 1003, 1028

247 Recognize Mrs. Breta Dow Peterson for outstanding record of public service to state of Nebraska.
(Crosby, Landis, Wickersham,
Schimek) 1023, 1029, 1038, 1069

248 Congratulate Papillion-LaVista High School for winning the Nebraska Academic Decathlon.
(Withem) 1028, 1069, 1103

249 Recognize 125th birthday of Peru State College.
(Morrissey, Wehrbein) 1045, 1069, 1103

250 Congratulate Lincoln High School boys for winning Class A state wrestling championship.
(Beutler, Landis, Warner, Wesely, Crosby,

Schimek) 1046, 1069, 1103

251 Recognize the quincentennial of the voyage of Christopher Columbus.
(Hall) 1102, 1153, 1210

252 Express sympathy to George H. Moyer, Sr. family.
(Peterson, Hefner, Schellpeper, Dierks) 1129, 1154, 1188

253 Urge the Legislature to support the Twin Loups Project.
(Rogers) 1156, 1181, 1188

254 Declare the week of March 15-21 as Agriculture Week in Nebraska.
(Rogers) 1156, 1372, 1418

255 Recognize the week of March 8-14 as Nebraska Good Seed Week.
(Schrock, Chizek, Morrissey) 1159, 1258, 1279, 1371

256 Support plan of Research & Development Authority to form a Nebraska based venture firm.
(Banking Committee) 1201, 1209, 1257

257 Congratulate the Axtell High School girls for Class D-1 state.
(Kristensen, Schrock) 1256, 1280, 1304

258 Congratulate the Genoa High School girls for Class C-2 state basketball championship.
(Robak) 1257, 1281, 1304

259 Interim study of financial aid system of state colleges as it impacts Native American students.
(Schimek) 1265, 1889

260 Urge the Governor to call special session should the constitutional amendment on property tax fail to be enacted.
(Moore) 1274, 1283, 1287, 1422, 2284

261 Urge the Governor to call special session should the constitutional amendment on property tax be enacted.
(Moore) 1275, 1283, 1287, 1314, 1422, 2284

262 Congratulate the Lincoln Southeast High School for winning National Bicentennial Competition on Bill of Rights.
(Schimek, Crosby, Beutler) 1284, 1304, 1337

263 Congratulate the Pius X High School girls for Class B state.
(Beutler, Landis, Wesely, Crosby, Schimek,
Warner) 1284, 1304, 1337

264 Congratulate the Millard South High School girls for Class A state basketball championship.
(Abboud, Chizek) 1293, 1337, 1372

265 Interim study of the quarterhorse racing industry.

(Schellpeper) 1312, 1889
266 Congratulate the Lynch High School girls for Class D-2 state.
(Dierks) 1320, 1337, 1372
267 Commend Senator Bob Kerrey on campaign for the 1992 Democratic presidential nomination.
(Schimek) 1331, 1333, 1337, 1372
268 Congratulate the Sandy Creek High School girls for Class C-1 state basketball championship.
(R. Johnson) 1338, 1418, 1463
269 Congratulate Battle Creek High School boys for Class C-1 state basketball championship.
(Peterson) 1349, 1372, 1418
270 Congratulate the Hildreth High School boys for Class D-2 state basketball championship.
(Kristensen) 1350, 1372, 1418
271 Recognize efforts of CHAD and other health agencies in Nebraska to establish the Community Health Plaza.
(Wesely, Rasmussen) 1350, 1419, 1463
272 Congratulate the Genoa High School girls for Class C-2 state.
(Robak) 1362, 1419, 1463
273 Congratulate the Humphrey St. Francis High School boys for Class D-1 state basketball championship.
(Robak) 1362, 1419, 1463
274 Interim study to review prices of motor fuels to determine if there is unfair competition.
(Schellpeper) 1363, 1889
275 Interim study to examine allowing teachers who have taught in private schools to buy back from retirement system.
(Coordsen) 1363, 1889
276 Congratulate the Wahoo High School boys basketball team for exemplary record.
(Schmit) 1379, 1463, 1507
277 Congratulate the Pius X High Schoolboys' basketball team for Class B state championship.
(Beutler, Landis, Warner, Schimek, Crosby,
Wesely) 1380, 1463, 1507
278 Congratulate the Bertrand High School boys for Class C-2 state basketball championship.
(Schrock, Haberman, Elmer) 1380, 1463, 1507
279 Interim study of the rules of the Legislature.
(Lynch) 1395, 1890
280 Congratulate the Benson High School boys for Class A state.

(Will, Beutler, Chambers) 1399, 1463, 1507

281 Proclaim month of March as Youth Art Month.
(Crosby, Baack, Ashford) 1406, 1507, 1530

282 Interim study of the Employment Security Law.
(Business and Labor Committee) 1441, 1890

283 Interim study of feasibility of having Department of Labor be responsible for all state and federal job training programs.
(Business and Labor Committee) 1442, 1890

284 Interim study to examine age discrimination in Nebraska workplaces.
(Business and Labor Committee) 1442, 1890

285 Interim study regarding implementation of gross receipts tax for providing funding to operate public schools.
(Elmer, Abboud, Ashford, Baack,
Bernard-Stevens, Beutler, Bohlke,
Byars, Chizek, Coordsen, Crosby,
Cudaback, Dierks, Haberman, Hall,
Hartnett, Hefner, Hillman, Horgan,
L. Johnson, R. Johnson, Kristensen,
Labedz, Lamb, Landis, Lindsay, Lynch,
Moore, Morrissey, Nelson, Peterson,
Pirsch, Robak, Robinson, Rogers,
Schellpeper, Schimek, Schmit, Schrock,
Wehrbein, Wesely, Wickersham, Will) 1445, 1890

286 Interim study of the Certificate of Need process.
(Hillman, Lynch) 1446, 1890

287 Interim study to review Nebraska's laws on motor vehicle registration.
(Hefner) 1447, 1890

288 Interim study of the dairy industry in Nebraska.
(Wehrbein) 1447, 1891

289 Interim study to examine ground water and surface water supplies for transfer and sale.
(R. Johnson) 1465, 1891

290 Interim study to examine statues relating to public records and confidentiality and locations of archaeological sites.
(Conway, Schimek, Coordsen, Withem, Bohlke,
Robak, Lindsay, Schrock) 1476, 1891

291 Recognize 100th anniversary of Crofton, Nebraska.
(Hefner) 1477, 1507, 1530

292 Interim study of feasibility of adopting a limited liability company act in Nebraska.
(Kristensen, Beutler, Conway,

Landis, Lindsay) 1507, 1891

293 Interim study to examine need for office of State Athletic Commissioner.
(Conway) 1515, 1891

294 Interim study to examine funding formula for community action agencies.
(Wesely, Rogers) 1520, 1891

295 Interim study of development of accessibility standards for public buildings.
(Wesely) 1520, 1891

296 Interim study of alternative tax bases and revenue sources for funding state and local services.
(Revenue Committee) 1526, 1891

297 Interim study of Nebraska's overall tax system.
(Hall) 1526, 1891

298 Interim study to examine feasibility of requiring training program and certification of public safety communicators.
(Baack) 1529, 1892

299 Interim study of methods of developing and promoting a statewide regional farmers' market cooperatives.
(Rogers) 1544, 1892

300 Interim study to consider updating the Nebraska Disaster and Civil Defense Act of 1973.
(Wickersham, Schellpeper,
Bernard-Stevens, Nelson) 1544, 1892

301 Interim study of impact of LB 1063, 1992, on farmers, ranchers, and agribusinesses.
(Schellpeper, Rogers, Morrissey, Coordsen) 1545, 1892

302 Interim study to examine feasibility of creating a state agricultural council.
(Agriculture Committee) 1545, 1892

303 Interim study of statutory requirements for registration fees and device inspection fees for scales administered by Department of Agriculture.
(Agriculture Committee) 1546, 1892

304 Interim study to develop legislation authorizing administration of Federal Insecticide, Fungicide, and Rodenticide Act by Department of Agriculture.
(Agriculture Committee) 1546, 1892

305 Interim study to review election laws in conjunction with new State Election Boards proposed in LB 1133, 1992.
(Conway) 1547, 1893

306 Interim study to review uniform compensation, per diems, and expenses for members of boards and commissions.

(Conway) 1547, 1893

307 Interim study to investigate need for laws relating to acquisition of title by museums of abandoned property left with museums.
(Conway) 1548, 1893

308 Interim study of the Administrative Procedure Act.
(Conway) 1548, 1893

309 Interim study to examine, codify, and simplify laws relating to gasoline tax and the special fuels tax.
(Hall) 1551, 1893

310 Interim study to examine duties of the Nebraska Gasohol Committee and the Ethanol Authority and Development Board.
(R. Johnson, Wehrbein) 1559, 1893

311 Interim study of hate crimes and institutional vandalism.
(Ashford) 1576, 1893

312 Interim study to determine impact of gun injuries and deaths on children and families.
(Ashford) 1576, 1893

313 Interim study on issue of guns found in schools and gun-related violence in and near schools.
(Ashford) 1577, 1893

314 Interim study of patrolling portion of interstate system that are located within city limits of Nebraska.
(Ashford) 1578, 1894

315 Interim study on programs administered by Department on Aging.
(Robak) 1589, 1894

316 Oppose the proposed reduction in federal funds for the water system in Crawford, Nebraska.
(Wickersham) 1606, 1622

317 Interim study to examine liability exposure of the state under the current State Tort Claims Act.
(Kristensen) 1611, 1894

318 Interim study to examine whether Nebraska should enact Article VI of the Uniform Probate Code, Nonprobate Transfers on Death.
(Landis) 1611, 1894

319 Interim study to examine whether Nebraska should enact the Uniform Transfer of Litigation Act.
(Landis) 1612, 1894

320 Interim study to examine whether Nebraska should enact the Uniform Premarital Agreement Act.

(Landis) 1612, 1894

321 Interim study to examine whether Nebraska should enact the Uniform Enforcement of the Foreign Judgements Act.
(Landis) 1612, 1894

322 Interim study to consider updating laws regarding credit life insurance and credit health and accident insurance.
(Landis) 1613, 1894

323 Interim study to examine Multiple Employer Welfare Arrangements.
(Landis) 1613, 1894

324 Interim study of process to rehabilitate individuals convicted of criminal behavior.
(Pirsch) 1614, 1894

325 Interim study to review "truth in sentencing" provisions and criminal sentence determinations.
(Pirsch, Beutler) 1614, 1895

326 Interim study to examine means for providing funding to crime victims programs other than the general fund.
(Pirsch, Lindsay) 1615, 1895

327 Interim study of the parole process and the parole board.
(Pirsch) 1616, 1895

328 Interim study to authorize comprehensive study of the public employees retirement system.
(Nelson, Moore, Schimek, Crosby) 1616, 1895

329 Interim study to examine need for amending statues relating to imposition of tax on fertilizer under LB 1063, 1992.
(Schrock, Byars, Cudaback, Wickersham,
Lamb, Elmer, Rogers, Coordsen,
Wehrbein, Schellpeper, Robak) 1617, 1776, 1895

330 Interim study to determine which governmental entity should have jurisdiction to consider effects of electromagnetic fields.
(Horgan) 1625, 1895

331 Interim study of the Small Claims Court process.
(Schimek, Chizek) 1626, 1895

332 Interim study to examine business policies and practices in which health care providers use false names or identities.
(Chizek) 1626, 1895

333 Interim study of practices of health care insurers and possible violations of federal or state antitrust provisions.
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334 Interim study to examine parking facilities for state employees.
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Compiled by

Patrick J. O'Donnell
Clerk of the Legislature

Carol Koranda, Index Clerk

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39-1518	A	1055	43-1002	A	484
39-1518	A	1063	43-1225	A	373
39-1518	A	1121	43-1308	A	1062
39-1518	A	1150	43-1406	A	527
39-1621	A	1063	43-1408	R	527
39-1812	A	383	43-1411	A	527
39-1813	A	383	43-1412	A	728
39-2215	A	319	43-1608	A	688
39-2304	A	175	to 43-1611		
39-2510	A	994	43-1701	A	527
39-2510	A	1135	43-1703	A	527
39-2520	A	994	43-1708	A	527
39-2520	A	1135	43-1709	A	527
42-347	A	375	43-1716	A	527
42-351	A	1195	to 43-1720		
42-358	A	527	43-1722	A	527
42-358	A	1255	to 43-1727		
42-358.02	A	136	43-1730	A	527
42-358.02	A	527	43-1734	A	527
42-364	A	373	43-1737	A	527
42-364	A	375	43-1740	A	527
42-364	A	527	43-1743	A	527
42-364	A	630	43-1901	A	401
42-364	A	728	43-1902	A	401
42-364	A	1041	43-1904	A	401
42-364	A	1265	43-1906	A	401
42-364.15	A	375	43-2001	A	606
42-369	A	375	43-2007	A	55
42-369	A	527	43-2101	A	1265
42-372	A	940	43-2201	R	907
42-905	A	744	to 43-2210		
43-102	A	823	43-2301	R	907
43-107	A	823	to 43-2305		
43-245	A	673	43-2623	A	1086
43-250	A	673	44-139	A	1006
43-251	A	673	to 44-142		
43-253	A	673	44-145	A	1006

SECTION	REPEAL OR AMEND	BILL	SECTION	REPEAL OR AMEND	BILL
44-147	A	1006	44-4227	A	1220
to 44-147.04			44-4228	A	394
44-147.05	A	1006	44-4228	A	1286
44-147.06	A	1006	44-4230	A	1220
44-320	A	285	44-4231	A	1220
44-501	A	1171	44-4233	A	835
44-513	R	655	44-4233	A	1220
44-513.01	A	655	44-4234	R	1220
44-704	A	993	44-4235	A	1220
44-710.17	A	944	44-4501	A	1006
44-1540	A	1243	44-4503	A	1006
44-1927	A	1281	44-4509	A	1006
44-1933	A	1281	44-4513	A	1006
44-1936	A	1281	44-4515	A	1006
44-1940	A	1281	44-4516	A	1006
44-1947	A	1210	44-4517	A	1006
44-1951	A	1210	44-4719	A	1006
44-1951	A	1281	45-101.04	A	1177
44-1953	A	1281	45-101.05	A	1119
44-1956	A	1281	45-101.07	A	1119
44-1957	A	1281	45-102	R	1177
44-1959	A	1281	45-103	A	1177
44-1960	A	1281	45-103.02	A	1177
44-1961	A	1281	45-103.04	A	1177
44-1969	A	1281	45-104	R	1177
44-2013	A	1006	45-335	A	269
44-2414	A	299	45-338	A	269
44-2414	A	1055	45-621	A	238
44-2825	A	594	46-122	A	1277
44-2851	A	387	46-202	A	306
44-32,163	A	702	46-202	A	891
44-3601	A	1006	46-202	A	1143
44-3602	A	1006	46-204	A	1143
to 44-3604			46-205	A	1143
44-3605	R	1006	46-209	A	198
44-3606	A	1006	46-210	A	1195
44-3607	A	1006	46-212.02	A	888
44-3608	A	1006	46-229	A	1143
44-3608.01	A	1006	46-229.02	A	1143
44-3609	A	1006	46-229.02	A	1277
44-3610	A	1006	46-229.03	A	1143
44-3611	R	1006	46-229.04	A	1277
44-4112	A	655	46-230	A	1143
44-4113	A	1112	46-231	A	917
44-4201	A	1220	46-231	A	1143
44-4202	A	1220	46-233	A	1143
44-4206	A	1220	46-234	A	1143
44-4216	A	835	46-252	A	49
44-4216	A	1220	46-254	A	1277
44-4217	A	1220	46-266	A	242
44-4218	A	1220	46-288	A	306
44-4219	A	835	46-288	A	891
44-4219	A	1220	46-288	A	892
44-4220	A	1220	46-289	A	730
44-4221	A	1220	46-295	A	212
44-4222	A	1220	46-295	A	1143
44-4223	A	835	46-2,107	A	306
44-4223	A	1220	to 46-2,110		
44-4224	A	1220	46-2,107	A	891
44-4225	A	835	to 46-2,110		
44-4225	A	1220	46-2,107	A	892
44-4226	A	835	to 46-2,110		
44-4226	A	1220	46-2,115	A	306
44-4227	A	835	46-2,115	A	891

SECTION	REPEAL OR AMEND	BILL
46-2,115	A	892
46-2,116	A	891
46-2,116	A	892
46-2,117	R	306
46-541	A	299
46-541	A	1055
46-541	A	1063
46-541	A	1121
46-541	A	1150
46-542	A	299
46-542	A	1055
46-542	A	1063
46-542	A	1121
46-542	A	1150
46-543	A	299
46-543	A	1055
46-543	A	1063
46-543	A	1121
46-543	A	1150
46-544	A	299
46-544	A	1055
46-544	A	1063
46-544	A	1121
46-544	A	1150
46-601	A	631
46-602	A	631
46-602.01	A	631
46-603	R	631
46-604	A	631
46-606	A	631
46-607	R	631
46-608	A	631
46-609	A	631
46-610	A	631
46-611	A	631
46-612	R	631
46-613.01	A	631
46-613.01	R	888
46-613.02	A	631
46-613.02	R	888
46-625	A	631
46-630	A	631
46-631	A	1063
46-635	A	891
46-635	A	1143
46-636	A	631
46-637	A	631
46-637	A	888
46-638	A	631
46-638	R	888
46-639	A	631
46-639	R	888
46-640	A	631
46-640 to 46-647	R	888
46-641	R	888
46-642	R	888
46-644 to 46-646	R	888
46-648 to 46-650	R	888
46-651	A	631
46-651	A	888
46-653	A	631

SECTION	REPEAL OR AMEND	BILL
46-654	A	631
46-654	A	888
46-657	A	631
46-657	A	888
46-657	A	891
46-657	A	1239
46-658	A	889
46-659	A	631
46-660	A	631
46-661	A	631
46-662	A	631
46-663	A	631
46-663.01	A	889
46-666	A	631
46-666	A	888
46-666	A	889
46-667	A	631
46-667	A	889
46-673.09	A	631
46-673.09	A	888
46-673.09	A	1239
46-673.10	A	1239
46-673.11	A	1239
46-674.19	R	21
46-675 to 46-690	R	888
46-1127	A	1030
46-1201	A	631
46-1201	A	660
46-1203	A	631
46-1204	R	631
46-1208	A	631
46-1212	A	631
46-1217	A	631
46-1223	A	631
46-1224	A	631
46-1225	A	631
46-1235	A	631
46-1236	A	631
46-1237	A	631
46-1240	A	631
46-1241	A	631
47-117	A	673
47-502	A	263
48-115	A	17
48-120	A	1064
48-121	A	467
48-121	A	735
48-121	A	1064
48-121.01	A	735
48-121.01	A	926
48-121.01	A	1064
48-122	A	298
48-125	A	328
48-125	A	360
48-125	A	1064
48-128	A	467
48-128	A	1136
48-139	A	521
48-146.03	A	1136
48-151	A	936
48-155	A	360
48-156	A	360
48-162.01	A	1064

SECTION	REPEAL OR AMEND	BILL
48-162.02	A	1064
48-162.02	A	1136
48-170	A	360
48-172	A	1064
48-178	A	360
48-179	R	360
48-182	A	360
48-185	A	360
48-185	A	1195
48-1,110	A	360
48-232	A	1019
48-233	A	1019
48-418.09	A	877
48-418.10	A	877
48-601	A	39
48-602	A	879
48-603	A	17
48-621	A	562
48-621	A	690
48-624	A	1003
48-627	A	690
48-628	A	39
48-628	A	690
48-628	A	878
48-628	A	882
48-648	A	879
48-649	A	411
48-801	A	1102
48-801.01	A	551
48-801.01	A	1102
48-808	A	1195
48-812	A	1195
48-816	A	370
48-818	A	551
48-818	A	1102
48-819	A	551
48-1101	A	1084
48-1102	A	708
48-1102	A	1084
48-1104	A	1010
48-1111	A	1084
48-1118	A	1126
48-1119	A	1010
48-1125	A	380
48-1125	A	1084
48-1230	A	932
48-1401	A	934
48-1703	A	452
49-506	A	447
49-506	A	805
49-506	A	1250
49-617	A	447
49-617	A	805
49-801	A	673
49-801	A	904
49-801	A	1231
49-1446.01	A	722
49-1446.02	A	722
49-1446.03	R	384
49-1447	A	384
49-1449	A	384
49-1450	A	384
49-1451	A	384
49-1461	A	384
49-1462	A	384
49-1463	R	384
49-1463.01	R	384
49-1484	A	384
49-14,118	A	384
49-14,123	A	384
49-14,123	A	556
49-14,124	R	384
to 49-14,126		
49-14,133	A	384
49-14,140	A	384
50-401.01	A	736
50-401.01	A	898
50-402	A	898
50-403	R	898
50-412	A	146
50-412	A	898
50-418	A	898
50-419	A	80
50-419	A	988
50-419.02	R	988
50-419.03	R	988
50-701.01	R	988
50-701.02	R	988
50-702	R	988
50-1001	R	542
to 50-1009		
50-1152	A	946
51-509	A	931
51-511	A	931
52-118	A	918
52-1001	A	544
to 52-1005		
52-1008	A	544
53-101	A	564
53-101	A	800
53-101	A	1151
53-123.04	A	945
53-124	A	945
53-124	A	1052
53-129	A	1144
53-160	A	1144
53-160	A	1282
53-164.01	A	1144
53-179	A	733
53-180.02	A	1151
53-186	A	915
53-186	A	939
54-134	A	121
54-135	A	1024
54-147	A	238
54-147	A	1024
54-601	A	1011
54-602	A	1011
54-785	A	961
54-786	A	961
54-788	A	961
54-792	A	961
54-793	A	961
54-796	A	961
54-849	A	960
54-851	R	960
54-852	A	960
54-854	A	960

SECTION	REPEAL OR AMEND	BILL
54-855	A	960
54-856	A	960
54-858	A	960
54-859	A	960
54-860	A	960
54-863	A	960
54-1186	A	64
54-2297	A	961
55-444	A	1195
55-445	A	1195
55-480	A	327
57-504	A	34
57-505	A	34
58-202	A	1205
58-203	A	1205
58-219	A	1205
58-239	A	1205
58-401	A	272
58-405	A	272
58-407	A	272
58-409	A	272
58-413	A	272
58-437	A	272
59-1502	A	130
59-1722	A	759
59-1724	A	759
59-1733	A	759
59-1753	A	759
60-106	A	994
60-106	A	1050
60-106	A	1135
60-106	A	1152
60-107	A	1050
60-107	A	1152
60-107	A	1217
60-107.01	R	1217
60-108	A	1050
60-108	A	1217
60-110	A	1217
60-111	A	1050
60-111	A	1152
60-111	A	1217
60-112	A	1050
60-112	A	1217
60-113	A	1217
60-115	A	1050
60-115	A	1092
60-115	A	1217
60-119	A	1050
60-122	A	1050
60-301	A	873
60-302	A	271
60-302	A	873
60-302	A	994
60-302	A	1092
60-302	A	1135
60-302.01	A	1152
60-302.03	A	873
60-303	A	994
60-303	A	1135
60-303	A	1223
60-305.04	A	994
60-305.04	A	1135
60-305.08	A	1092
60-305.09	A	1095
60-305.11	A	994
60-305.11	A	1135
60-305.15	A	1135
60-308	A	1092
60-310	A	994
60-310	A	1135
60-311	A	938
60-311	A	1065
60-311.02	A	994
60-311.02	A	1135
60-311.03	A	197
60-311.04	A	197
60-311.10	A	1095
60-311.11	A	1095
60-311.12	A	1095
60-311.13	A	1095
60-311.14	A	994
60-311.14	A	1135
60-311.15	A	958
60-311.21	A	994
60-311.21	A	1135
60-312	A	271
60-315	A	994
60-315	A	1135
60-315.01	A	1095
60-315.16	A	1092
60-318	A	994
60-318	A	1135
60-320	A	980
60-320	A	994
60-320	A	1135
60-323	A	873
60-323	A	979
60-325	A	873
60-328	A	1092
60-336	A	319
60-344	A	994
60-344	A	1135
60-462	A	336
60-462	A	532
60-462	A	1095
60-462	A	1155
60-462	A	1181
60-463	A	1155
60-465	A	1111
60-479	A	1095
60-480	A	336
60-480	A	1181
60-483	A	1095
60-484	A	527
60-484	A	910
60-484	A	1178
60-489	A	991
60-491	A	336
60-493	A	1178
60-494	A	1178
60-498	A	291
60-4,100	A	1095
60-4,107	A	1181
60-4,112	A	1181
60-4,114	A	1155
60-4,115	A	319
60-4,115	A	1095

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60-4,115	A	1156	66-470	A	754
60-4,115	A	1282	66-483	A	1013
60-4,118	A	336	66-489	A	994
60-4,118	A	491	66-489	A	1170
60-4,118	A	1155	66-492	A	1013
60-4,119	A	1283	66-499	A	1170
60-4,122	A	379	66-4,105	A	994
60-4,123	A	1156	66-4,105	A	1170
60-4,124	A	336	66-4,114	A	1013
60-4,124	A	1156	66-4,120	A	1013
60-4,124	A	1181	66-4,124	A	1013
60-4,125	A	336	66-4,141	A	1170
60-4,125	A	1181	66-4,142	R	1170
60-4,126	A	336	66-605	A	994
60-4,126	A	1095	66-605	A	1170
60-4,126	A	1156	66-605.04	A	1013
60-4,126	A	1181	66-605.05	A	1013
60-4,138	A	1232	66-605.06	A	1013
60-4,145	A	1232	66-605.06	A	1170
60-4,148	A	1095	66-605.07	A	994
60-4,151	A	1178	66-605.07	A	1013
60-4,155	A	1095	66-605.07	A	1170
60-4,158	A	1095	66-619	A	1013
60-4,164	A	872	66-620	A	1013
60-4,169	A	1232	66-642	A	871
60-4,170	A	1232	66-644	A	994
60-4,171	A	1095	66-644	A	1135
60-4,171	A	1232	66-646.01	A	1013
60-4,181	A	910	66-646.02	R	1013
60-4,181	A	1095	66-720	A	1013
60-4,181	A	1178	66-726	A	1013
60-505	A	1070	66-730	A	1013
60-505.02	A	1095	66-732	A	1013
60-505.04	A	1070	66-802	A	965
60-528	A	271	66-812	A	965
60-533	A	271	66-813	A	965
60-569	A	271	66-1105	A	888
60-569	A	1095	66-1214	A	754
60-570	R	271	66-1221	A	1013
60-1301	A	1231	66-1225	A	446
60-1303	A	1231	66-1301	A	1170
60-1306	A	1231	66-1303	A	754
60-1309	R	1231	66-1303	A	1170
60-1403.01	A	336	66-1304	A	754
60-1406	A	1269	66-1307	A	754
60-1411.02	A	973	66-1307	A	1170
60-1411.03	A	994	to 66-1307.02		
60-1411.03	A	1135	66-1320	A	1170
60-1413	A	973	66-1320	A	1258
60-1415	A	973	66-1324	A	1170
60-1417.01	A	807	66-1326	A	754
60-1803	A	994	66-1326	A	1170
60-1803	A	1135	68-104	A	545
60-1806	R	994	68-104	A	1246
60-1806	R	1135	68-104	A	1282
60-1807	A	994	68-126	A	545
60-1807	A	1135	68-126	A	1246
60-2004	A	1092	68-126	A	1282
60-2009	A	1092	68-133	A	545
60-2013	A	258	68-133	A	1246
60-2803	A	258	68-133	A	1282
66-410	A	754	68-139	A	545
66-428	A	754	68-139	A	1246
66-467.01	A	754	68-139	A	1282

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68-701.03	R	949
68-1019	A	1078
68-1019	A	1079
68-1020	A	1076
68-1020	A	1080
68-1020	A	1282
68-1026	A	423
68-1026	A	1282
69-4,144	A	1178
69-1301 to 69-1305	A	1117
69-1307	A	1117
69-1308	A	1117
69-1310	A	1117
69-1317	A	540
69-1317	A	1282
69-1323	R	1117
69-1329	A	1117
69-1331	A	64
69-1901 to 69-1904	R	577
69-2001	A	669
69-2002	A	669
69-2011	A	669
69-2405	A	1034
69-2425	A	1034
70-601	A	1176
70-610	A	912
70-612	A	45
70-612	A	774
70-617	A	45
70-620	A	45
70-623	A	887
70-623.02	A	887
70-623.03	A	887
70-624	A	45
70-626.04	A	563
70-637	A	45
70-651.04	A	938
70-651.05	A	994
70-651.05	A	1135
70-1001	A	576
70-1001	A	747
70-1014	A	576
70-1014	A	1005
70-1326	A	1195
71-101	A	387
71-101	A	602
71-108	A	387
71-117	A	860
71-147	A	1019
71-147.02	A	387
71-148	A	387
71-150	A	387
71-154	A	387
71-155	A	387
71-161.02	A	387
71-161.03	A	387
71-161.07	A	387
71-161.09	A	970
71-161.09	A	1019
71-162	A	602
71-162	A	702
71-162	A	1019
71-162	A	1282
71-168	A	387
71-171	A	387
71-171.01	A	387
71-1,107.17	A	1282
71-1,107.30	A	1282
71-1,132.05	A	421
71-1,132.05	A	1282
71-1,132.06	A	287
71-1,132.18	A	1282
71-1,132.29	A	387
71-1,133	A	503
71-1,135.01	A	503
71-1,135.02	A	503
71-1,135.04	A	503
71-1,135.05	A	503
71-1,142	A	514
71-1,142	A	1038
71-1,142	A	1282
71-1,147.02	A	1019
71-1,147.03	A	702
71-1,147.05	A	702
71-1,147.07	A	702
71-1,147.08	A	702
71-1,147.09	A	459
71-1,147.33	A	514
71-1,154	A	1173
71-1,194	A	387
71-1,195.03	A	387
71-1,237	A	238
71-1,243	A	238
71-1,257	A	238
71-1,268	A	238
71-1,283	A	238
71-1,288	A	238
71-382	A	702
71-3,171	A	387
71-502.04	A	1019
71-507	A	1058
71-507	A	1138
71-602	A	1019
71-605.02	A	702
71-611	A	1019
71-612	A	702
71-612	A	1017
71-614	A	909
71-617.15	A	702
71-617.15	A	1019
71-627	A	702
71-627	A	1019
71-628	A	1019
71-634	A	702
71-634	A	1019
71-636	A	1019
71-644	A	1019
71-648	A	1019
71-1001	A	860
71-1327	A	1019
71-1331	A	1019
71-1332	A	1019
71-1518	A	609
71-1524	A	609
71-1524	A	1242
71-1559	A	702

SECTION	REPEAL OR AMEND	BILL
71-1559	A	1019
71-1561	A	1019
71-1564	A	1019
71-1565	A	1019
71-1631	A	860
71-1704	A	144
71-1728	A	144
71-1729	A	144
71-1730	A	144
71-1731	A	144
71-1732	R	144
71-1733	R	144
71-1734	A	144
71-1737	A	144
71-1907	A	958
71-1909	A	1212
71-1910	A	1086
71-1910	A	1212
71-1911	A	1212
71-1912	A	289
71-1914 to 71-1916	A	1212
71-1918	A	1212
71-2017.01	A	386
71-2049	A	1282
71-2059	A	1183
71-2204	A	445
71-2601	A	1282
71-2602	A	1282
71-2602.01	R	1282
71-2606	A	1282
71-2618	A	702
71-2623	R	860
71-2803.01	A	387
71-3201 to 71-3213	R	353
71-3401	A	860
71-3402	A	860
71-3508.04	A	702
71-3602	A	860
71-3702 to 71-3706	R	1236
71-3707	R	1236
71-3708 to 71-3711	R	1236
71-3709	A	539
71-3710	A	539
71-3711	A	387
71-3712	R	1236
71-3713	R	1236
71-3714	R	1236
71-3715	R	1236
71-4604.01	A	702
71-4624	A	702
71-4702	A	1019
71-4708	A	387
71-4712	A	387
71-4714.01	A	1019
71-4715	A	1019
71-4720	A	791
71-4720	A	987
71-4727	A	987
71-4728	A	791
71-4728	A	987

SECTION	REPEAL OR AMEND	BILL
71-4729	A	791
71-4729	A	987
71-4732	A	987
71-5001	A	675
71-5011	R	863
71-5101	A	1058
71-5102	A	1058
71-5102	A	1138
71-5105	A	1058
71-5105	A	1138
71-5108	A	1138
71-5109	A	1058
71-5110	A	1058
71-5110	A	1138
71-5111	A	1058
71-5111	A	1138
71-5113	A	1058
71-5113	A	1138
71-5115	A	1058
71-5115	A	1138
71-5116	A	1058
71-5119	A	1058
71-5120	A	1058
71-5124	A	1138
71-5125	A	1138
71-5127 to 71-5132	A	1138
71-5134	A	1058
71-5134 to 71-5137	A	1138
71-5135	A	1058
71-5137	A	1058
71-5139	A	1058
71-5139	A	1138
71-5140	A	1138
71-5201	A	283
71-5203	A	283
71-5206	A	283
71-5505	A	860
71-5647	A	283
71-5701 to 71-5703	A	666
71-5709	A	666
71-5710	A	666
71-5711	R	666
71-5713	R	666
71-5801	A	1282
71-5805.01	A	1282
71-5810	A	1282
71-5813.03	R	1282
71-5821.01	A	1282
71-5825	R	1282
71-5826	R	1282
71-5828	A	1282
71-5829	R	1282
71-5830	A	1282
71-5831	A	1282
71-5832.01	R	1282
71-5835	A	1282
71-5836.01	A	1282
71-5837	A	1282
71-5848	A	1282
71-5849	A	1282
71-5859	A	1282

SECTION	REPEAL OR AMEND	BILL
71-5859.01 to 71-5859.04	R	1282
71-5865	A	1282
71-5866	A	1282
71-6053	A	1234
71-6054	A	387
71-6054	A	1234
71-6055	A	1234
71-6056	A	1234
71-6058	A	1234
71-6060	A	1234
71-6061	A	1234
71-6063	A	1234
71-6067	A	1234
71-6068	A	1234
71-6111	A	387
71-6114	A	1019
71-6303	A	702
71-6401	A	1247
71-6502	R	287
71-6601	A	386
71-6602	A	386
71-6603	A	386
71-6604	R	386
71-6605	A	386
71-6607	A	386
71-6608	R	386
71-6610	R	386
71-6611	R	386
71-6612	A	386
71-6613	R	386
71-6801	A	1016
71-6803	A	1016
71-6810	A	1016
71-6816	A	1016
71-6820	A	1016
71-6821	A	1016
71-6909	R	895
71-7010	A	1282
72-240.23	A	684
72-240.26	A	223
72-240.26	A	684
72-257 to 72-258	A	684
72-258.01	A	684
72-259	A	684
72-261	A	684
72-267	A	684
72-268	R	684
72-718.03	R	1140
72-718.05	R	1140
72-729	A	1140
72-801	A	1166
72-801	A	1241
72-803	A	1241
72-811	A	969
72-811 to 72-816	A	1241
72-812	A	969
72-813	A	969
72-1101 to 72-1118	R	1015
72-1119	A	1015
72-1120	A	1015
72-1121	A	1015
72-1122	A	1015
72-1123	R	1015
72-1124	R	1015
72-1271	A	395
72-1273 to 72-1276	A	395
72-2610.01	A	1018
74-608	A	383
74-1311	A	383
75-136	A	1195
75-137	A	1195
75-138	A	1195
75-303	A	1068
75-308	A	60
75-309.01	A	1031
75-363	A	461
75-363	A	1067
75-364	A	461
75-364	A	1067
75-412	A	383
76-246	A	596
76-276	A	1197
76-711	A	670
76-719.01	A	670
76-837	A	787
76-854	A	787
76-901	A	1192
76-901	A	1244
76-903	A	1192
76-1311	A	1113
76-1313	A	1113
76-1416	A	163
76-1450	A	92
76-1457	A	92
76-2221	A	1244
77-101	A	1063
77-101	A	1150
77-103	A	299
77-103.01	R	299
77-103.01	R	1055
77-103.01	R	1063
77-103.01	R	1121
77-103.01	R	1150
77-112	A	524
77-112	A	1063
77-112	A	1121
77-112	A	1150
77-201	A	524
77-201	A	994
77-201	A	1055
77-201	A	1063
77-201	A	1135
77-201	A	1150
77-201	A	1207
77-202	A	994
77-202	A	1055
77-202	A	1063
77-202	A	1120
77-202	A	1121
77-202	A	1135
77-202	A	1150
77-202	A	1180
77-202	A	1186

SECTION	REPEAL OR AMEND	BILL
77-202	A	1202
77-202	A	1223
77-202	A	1245
77-202	A	1246
77-202	A	1275
77-202 to 77-202.06	A	299
77-202.01	A	1135
77-202.01 to 77-202.06	A	1055
77-202.02	A	1135
77-202.03	A	994
77-202.03	A	1135
77-202.04	A	994
77-202.04	A	1135
77-202.05	A	994
77-202.05	A	1135
77-202.06	A	994
77-202.06	A	1135
77-202.08	R	994
77-202.08	R	1135
77-202.24	A	299
77-202.24	A	994
77-202.24	A	1055
77-202.24	A	1135
77-202.24	A	1269
77-202.25	A	299
77-202.25	A	994
77-202.25	A	1135
77-202.46	R	299
77-202.46	R	1055
77-202.46	R	1063
77-202.46	R	1121
77-202.46	R	1150
77-202.46	R	1202
77-202.47	R	299
77-202.47	R	1055
77-202.47	R	1063
77-202.47	R	1121
77-202.47	R	1150
77-204	A	1119
77-205	R	299
77-205	R	1055
77-206	R	299
77-206	R	1055
77-377.01	A	986
77-381	A	273
77-381	A	299
77-381	A	1004
77-381	A	1055
77-398	A	299
77-398	A	1055
77-398	A	1063
77-398	A	1121
77-398	A	1150
77-399	A	299
77-399	A	1055
77-399	A	1063
77-399	A	1121
77-399	A	1150
77-3,100	A	299
77-3,100	A	1055
77-3,100	A	1063
77-3,100	A	1121
77-3,100	A	1150
77-415	A	299
77-415	A	1055
77-415 to 77-420	R	1244
77-421	A	1244
77-425	A	1244
77-505	A	299
77-505	A	1055
77-506	A	299
77-506	A	1055
77-506	A	1063
77-506	A	1150
77-507.01	A	299
77-507.01	A	1055
77-507.01	A	1063
77-507.01	A	1150
77-508	A	299
77-508	A	1055
77-508	A	1063
77-508	A	1150
77-509	A	299
77-509	A	1055
77-509	A	1063
77-510	A	299
77-510	A	1055
77-510	A	1063
77-510	A	1150
77-602	A	299
77-602	A	1055
77-602	A	1207
77-603	A	883
77-603	A	1055
77-604	A	299
77-604	A	1055
77-604	A	1063
77-604	A	1150
77-604	A	1207
77-606	A	883
77-611	A	322
77-676	R	864
77-677	R	864
77-801	A	1055
77-802	A	299
77-802	A	322
77-802	A	1055
77-802	A	1150
77-908	A	299
77-908	A	835
77-908	A	1063
77-908	A	1121
77-908	A	1150
77-908	A	1220
77-913	A	835
77-913	A	1220
77-1201	A	883
77-1201	A	994
77-1201	A	1063
77-1201	A	1135
77-1201	A	1150
77-1201	R	299
77-1201	R	1055
77-1202	A	299
77-1202	A	1055

SECTION	REPEAL OR AMEND	BILL
77-1202.01	R	299
77-1202.01	R	1055
77-1209	A	299
77-1209	A	1055
77-1209	A	1063
77-1209	A	1121
77-1209	A	1150
77-1209.02	A	1055
77-1209.02	A	1063
77-1209.02	A	1121
77-1209.02	A	1150
77-1209.03	A	299
77-1209.03	A	1055
77-1209.03	A	1063
77-1209.03	A	1121
77-1209.03	A	1150
77-1209.04	A	1055
77-1209.04	A	1063
77-1209.04	R	299
77-1209.04	R	1063
77-1209.04	R	1121
77-1209.04	R	1150
77-1209.05	R	299
77-1209.05	R	1055
77-1209.05	R	1063
77-1209.05	R	1121
77-1209.05	R	1150
77-1210	R	299
77-1210	R	1055
77-1211	A	883
77-1211	A	1063
77-1211	A	1150
77-1211	R	299
77-1211	R	1055
77-1212	A	883
77-1212	A	1063
77-1212	A	1150
77-1212	R	299
77-1212	R	1055
77-1214	A	1025
77-1214	R	299
77-1214	R	1055
77-1215	R	299
77-1215	R	1055
77-1216	R	299
77-1216	R	1055
77-1219	A	1063
77-1219	A	1150
77-1229	A	883
77-1229	A	1063
77-1229	A	1150
77-1229	R	299
77-1229	R	1055
77-1229.01	A	883
77-1229.01	A	1063
77-1229.01	A	1150
77-1229.01	R	299
77-1229.01	R	1055
77-1232	A	1063
77-1233	R	299
77-1233	R	1055
77-1233.02	A	1063
77-1233.02	A	1150
77-1233.02	R	299
77-1233.02	R	1055
77-1233.03	R	299
77-1233.03	R	1055
77-1233.04	A	1150
77-1236	A	1063
77-1236	A	1150
77-1238	A	299
77-1238	R	994
77-1238	R	1135
77-1239	A	299
77-1239	A	1055
77-1239	A	1063
77-1239	A	1120
77-1239	A	1150
77-1239	A	1180
77-1239	A	1246
77-1239	R	994
77-1239	R	1135
77-1239.01	R	994
77-1239.01	R	1135
77-1239.02	A	299
77-1239.02	R	994
77-1239.02	R	1135
77-1240	A	299
77-1240	R	994
77-1240	R	1135
77-1240.01	A	299
77-1240.01	A	938
77-1240.01	A	1055
77-1240.01	A	1063
77-1240.01	A	1150
77-1240.01	R	994
77-1240.01	R	1135
77-1240.03	A	1050
77-1240.03	R	994
77-1240.03	R	1135
77-1240.04	A	1050
77-1240.04	R	994
77-1240.04	R	1135
77-1241.01	A	883
77-1241.01	A	1063
77-1241.01	A	1150
77-1241.01	R	299
77-1241.01	R	994
77-1241.01	R	1055
77-1241.01	R	1135
77-1242.01	R	994
77-1242.01	R	1135
77-1242.02	A	299
77-1242.02	A	1055
77-1242.02	R	994
77-1242.02	R	1135
77-1244	R	299
77-1244	R	1055
77-1245	R	299
77-1245	R	1055
77-1246	R	299
77-1246	R	1055
77-1247	A	299
77-1247	R	1055
77-1248	A	1063
77-1248	A	1150
77-1248	A	1207
77-1248	R	299

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77-1248	R	1055	77-1510	A	1195
77-1249	A	1207	77-1514	A	883
77-1249	R	299	77-1514	A	1063
77-1249	R	1055	77-1601	A	545
77-1249.01	R	299	77-1601	A	1063
77-1249.01	R	1055	77-1601	A	1246
77-1250	A	299	77-1601	A	1282
77-1250	R	1055	77-1602	A	1121
77-1250.02	A	883	77-1602	A	1150
77-1250.02	R	1055	77-1603	A	1121
to 77-1250.05			77-1603	A	1150
77-1250.03	A	299	77-1605	A	1121
77-1250.04	A	299	77-1605	A	1150
77-1301	A	299	77-1605.01	A	1121
77-1301	A	883	77-1605.01	A	1150
77-1301	A	1055	77-1609	A	1195
77-1301	A	1063	77-1610	A	1195
77-1301.01	A	1063	77-1612	A	1063
77-1301.07	A	1063	77-1613	A	299
77-1301.12	A	1063	77-1613	A	1055
77-1301.13	A	1121	77-1613	A	1063
77-1301.13	A	1150	77-1613	A	1121
77-1303	A	883	77-1613	A	1150
77-1303	A	1063	77-1613.02	A	299
77-1311.01	A	1063	77-1613.02	A	1055
77-1315	A	883	77-1616	A	299
77-1315	A	1063	77-1616	A	1055
77-1315	A	1150	77-1617	A	1063
77-1317	A	1063	77-1618	A	1063
77-1318	A	299	77-1703	A	1063
77-1318	A	883	77-1704	A	938
77-1338	A	1063	77-1704	A	1063
77-1338	A	1121	77-1705	A	1119
77-1338	A	1150	77-1706	A	938
77-1342	A	299	77-1725	A	1063
77-1342	A	1055	77-1736.06	A	1063
77-1342	A	1063	77-1802	A	1063
77-1342	A	1150	77-1803	A	1063
77-1344	A	883	77-1804	A	1063
77-1360.01	A	1274	77-1806	A	1063
77-1405	A	883	77-1807	A	1063
77-1502	A	883	77-1808	A	1063
77-1502	A	1063	77-1810	A	1063
77-1502	A	1150	77-1812	A	1063
77-1503.01	A	299	77-1814	A	1063
77-1503.01	A	1055	77-1815	A	1063
77-1503.01	A	1063	77-1818	A	1063
77-1504	A	299	77-1820	A	1063
77-1504	A	883	77-1823	A	1063
77-1504	A	1055	77-1824	A	1063
77-1504	A	1063	77-1826	A	1063
77-1504	A	1121	77-1827	A	1063
77-1504	A	1150	77-1829	A	1063
77-1506.01	A	299	77-1830	A	1063
77-1506.01	A	1055	77-1831	A	1063
77-1506.02	A	299	77-1832	A	1063
77-1506.02	A	883	77-1833	A	1063
77-1506.02	A	1055	77-1834	A	1063
77-1506.02	A	1063	77-1836	A	1063
77-1506.02	A	1150	77-1842	A	1063
77-1507	A	299	77-1845	A	1063
77-1507	A	1055	77-1846	A	1063
77-1510	A	883	77-1847	A	1063
77-1510	A	1063	77-1848	A	1063

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77-1856	A	1063
77-1904	A	1063
77-1906	A	1063
77-1907	A	1063
77-1909	A	1063
77-1910	A	1063
77-1911	A	1063
77-1912	A	1063
77-1914	A	1063
77-1915	A	1063
77-1916	A	1063
77-1917	A	1063
77-1918	A	1063
77-2004	A	397
77-2039	A	1004
77-2101.01 to 77-2106	A	1004
77-2106.01	A	1004
77-2106.02	A	1004
77-2108 to 77-2115	A	1004
77-2205	A	982
77-2208	A	938
77-2326.04	A	1089
77-2342	A	746
77-2344	A	746
77-2349	A	746
77-2363	A	1150
77-2363	A	1246
77-2602	A	241
77-2602	A	541
77-2602	A	702
77-2602	A	799
77-2602	A	848
77-2602	A	1026
77-2602	A	1090
77-2602	A	1226
77-2602	A	1271
77-2602	A	1282
77-2701	A	871
77-2701	A	1021
77-2701	A	1054
77-2701	A	1158
77-2701	A	1159
77-2701	A	1160
77-2701	A	1246
77-2701	A	1266
77-2701.01	A	662
77-2701.01	A	1159
77-2701.01	A	1160
77-2701.01	A	1276
77-2701.01	R	83
77-2701.02	A	662
77-2701.02	A	994
77-2701.02	A	1160
77-2701.02	A	1276
77-2701.02	R	83
77-2702	A	1032
77-2702	A	1120
77-2702	A	1141
77-2702	A	1246
77-2702	A	1282
77-2702	R	871
77-2702 to 77-2704	A	1150

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77-2702.01	R	871
77-2702.02	R	871
77-2703	A	871
77-2703	A	1120
77-2703	A	1152
77-2703	A	1161
77-2703	A	1246
77-2704	A	26
77-2704	A	460
77-2704	A	520
77-2704	A	805
77-2704	A	913
77-2704	A	1120
77-2704	A	1130
77-2704	A	1141
77-2704	A	1158
77-2704	A	1246
77-2704	A	1254
77-2704	R	871
77-2704.01	R	871
77-2705	A	871
77-2708	A	972
77-2708	A	1120
77-2708	A	1161
77-2708	A	1246
77-2711	A	871
77-2713	A	871
77-2715.01	A	83
77-2715.01	A	662
77-2715.01	A	1276
77-2715.02	A	83
77-2715.02	A	962
77-2715.02	A	995
77-2715.02	A	1120
77-2715.02	A	1246
77-2715.02	A	1276
77-2715.02	A	1282
77-2715.07	A	804
77-2715.07	A	962
77-2715.07	A	995
77-2715.07	A	1120
77-2715.07	A	1158
77-2715.07	A	1218
77-2715.07	A	1246
77-2715.08	A	569
77-2715.08	R	995
77-2715.08	R	1120
77-2715.08	R	1246
77-2715.09	A	1280
77-2715.09	R	995
77-2715.09	R	1120
77-2715.09	R	1246
77-2716	A	995
77-2716	A	1083
77-2716	A	1120
77-2716	A	1246
77-2716.01	A	332
77-2716.01	A	962
77-2716.01	A	995
77-2716.01	A	1120
77-2716.01	A	1246
77-2716.02	A	997
77-2716.02	A	1055

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77-2716.02	A	1162
77-2716.02	R	1150
77-2734.02	A	83
77-2734.02	A	662
77-2734.02	A	1276
77-2734.02	A	1282
77-2734.03	A	804
77-2734.05	A	955
77-2734.05	A	956
77-2734.15	A	956
77-2734.16	R	955
77-2734.16	R	956
77-2734.17	A	1150
77-27,107	A	986
77-27,119.01	A	924
77-27,119.02	A	988
77-27,119.03	A	871
77-27,132	A	1123
77-27,136	A	1150
77-27,136	R	1271
77-27,136 to 77-27,137.02	A	1120
77-27,136 to 77-27,137.02	A	1246
77-27,137	R	1271
77-27,137.01	R	1271
77-27,137.02	R	1271
77-27,139	A	299
77-27,139	A	1063
77-27,139	A	1120
77-27,139	A	1121
77-27,139	A	1150
77-27,139	A	1246
77-27,139	R	1271
77-27,140	R	299
77-27,140	R	1063
77-27,140	R	1120
77-27,140	R	1121
77-27,140	R	1150
77-27,140	R	1246
77-27,142	A	1157
77-27,142	A	1246
77-27,142 to 77-27,148	R	913
77-27,142.01 to 77-27,142.05	R	1157
77-27,143	A	1157
77-27,145	A	1157
77-27,146	A	1157
77-27,147	A	871
77-27,148	A	504
77-27,156	A	83
77-27,188	A	1240
77-27,189	A	754
77-3313	A	1004
77-3402	A	1063
77-3411	A	1063
77-3437	A	299
77-3437	A	698
77-3437	A	1063
77-3437	A	1120
77-3437	A	1246
77-3438	A	698
77-3438	A	996
77-3438	A	1063
77-3438	A	1120
77-3438	A	1246
77-3439	A	996
77-3439	A	1063
77-3439	A	1120
77-3439	A	1246
77-3440	A	1063
77-3441	A	1063
77-3441	R	1120
77-3441	R	1246
77-3501	A	120
77-3507	A	686
77-3507	A	1204
77-3508	A	1204
77-3509	A	1204
77-3509.01	A	1204
77-3509.01 to 77-3509.03	A	120
77-3509.02	A	1204
77-3509.03	A	1204
77-3510	A	120
77-3510	A	1204
77-3511	A	1204
77-3512	A	1204
77-3512 to 77-3514	A	120
77-3512 to 77-3514	A	140
77-3513	A	1204
77-3514	A	1204
77-3516	A	120
77-3516	A	140
77-3516	A	1204
77-3517	A	140
77-3521	A	1204
77-3522	A	120
77-3522	A	1204
77-3523	A	120
77-3523	A	1204
77-3529	A	120
77-3529	A	1204
77-3701	A	1063
77-3702	R	1063
77-3703	A	883
77-3703	R	1063
77-3704	R	1063
77-3705	R	1063
77-3706	A	883
77-4014	A	1246
77-4101	A	1280
77-4105	A	299
77-4105	A	913
77-4105	A	1179
77-4105	A	1275
77-4105	A	1280
77-4106	A	913
77-4106	A	1280
77-4107	A	1275
77-4301	A	723
77-4307 to 77-4309	A	723
77-4311	A	723
77-4313	A	723

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77-4315	A	723
77-4316	A	723
79-101	A	1125
79-101.01	A	698
79-101.01	A	1125
79-101.01	A	1198
79-201	A	1045
79-201	A	1291
79-201.09	A	698
79-307	A	1125
79-321.03	A	1125
79-321.04	A	1125
79-328	A	149
79-328	A	1276
79-341	R	1250
79-402	A	464
79-402	A	698
79-402	A	1194
79-402.13	A	512
79-402.13	A	698
79-402.17	A	512
79-402.18	A	512
79-402.19	A	512
79-402.20	A	1153
79-402.28	A	512
79-403.02	A	698
79-426.02	A	464
79-426.19	A	698
79-426.22	A	698
79-432	A	1063
79-433	A	1125
79-434	A	1125
79-436	A	698
79-437.03	A	512
79-437.03	A	698
79-438.09	A	698
79-438.09 to 79-438.11	A	785
79-438.12	A	512
79-438.12	A	719
79-438.12	A	1198
79-444.01	A	431
79-444.01	A	1282
79-445	A	279
79-445	A	698
79-445	A	1272
79-446.01 to 79-448	A	698
79-447	A	662
79-448	A	662
79-449.01	A	698
79-451	A	698
79-451	A	1125
79-458	A	698
79-481	A	299
79-481	A	1055
79-488.06	A	1095
79-488.07	A	958
79-490	A	1125
79-493	R	698
79-494	A	698
79-497	A	698
79-498	A	698
79-4,102	A	785

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79-4,102 to 79-4,104	A	698
79-4,140.16	A	922
79-4,140.17	A	116
79-4,141.01	A	119
79-4,141.01	A	1125
79-4,159	A	698
79-4,207	A	1072
79-4,222	A	698
79-4,223	A	512
79-4,223	A	719
79-4,224	A	512
79-4,228	A	1019
79-506	A	698
79-506.01 to 79-506.04	A	698
79-547.03	A	1063
79-547.03	A	1125
79-548.01	A	698
79-803.03	A	1284
79-803.03	A	1290
79-903	A	1063
79-904	A	1063
79-1007	A	1063
79-1007.01	A	1063
79-1032	A	1001
79-1043	A	1001
79-1044.01	A	1001
79-1045	A	1001
79-1047	A	1001
79-1049	A	1001
79-1052	A	1121
79-1052	A	1150
79-1056.06	A	1001
79-1066	A	64
79-1103	A	698
79-1247.05	A	698
79-1247.07	A	698
79-1247.15	R	698
79-1249	A	587
79-1252	A	1125
79-1254.02	A	698
79-1254.10	A	173
79-1285	A	1125
79-12,107	A	407
79-12,114	A	479
79-12,116	A	479
79-12,117	A	479
79-12,142 to 79-12,144	R	698
79-12,146 to 79-12,152	R	698
79-12,147	R	698
79-1303	A	208
79-1303	A	622
79-1303	A	1125
79-1303	A	1198
79-1304	A	698
79-1307.01	A	698
79-1369	A	698
79-1369	A	1125
79-1384	A	1125
79-1448	A	1023
79-1501	A	771

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79-1501.01	A	886	79-2650	R	1150
79-1515	A	41	79-2650	R	1246
79-1522.01	A	475	79-2650.03	R	784
79-1558	A	474	79-2650.03	R	1150
79-1560	A	474	79-2650.03	R	1246
79-1901	A	149	79-2650.06	R	784
to 79-1904			79-2650.07	R	784
79-1903	A	323	79-2650.08	R	784
79-1907	A	149	79-2650.09	A	1150
79-1908	A	149	79-2650.09	A	1246
79-1910.01	A	149	79-2650.09	R	784
79-1911	A	149	79-2650.10	R	784
to 79-1913			to 79-2650.15		
79-1912	R	698	79-2651	A	784
79-1914	A	698	79-2651	A	1150
79-2001	A	149	79-2651	A	1246
to 79-2007			79-2651	R	1271
79-2003	A	323	79-2651.02	A	784
79-2009.01	A	149	79-2651.02	A	1150
79-2011	A	1291	79-2651.02	A	1246
79-2110	A	1125	79-2651.02	R	1271
to 79-2114			79-2651.03	R	784
79-2203	A	698	79-2651.04	A	784
79-2203	A	1063	79-2651.04	R	1271
79-2203	A	1121	79-2651.04	R	1150
79-2203	A	1150	to 79-2651.06		
79-2210	A	1063	79-2651.04	R	1246
79-2210	A	1121	to 79-2651.06		
79-2210	A	1150	79-2651.05	R	784
79-2212	A	698	79-2651.05	R	1271
79-2301	R	1125	79-2651.06	R	784
to 79-2304			79-2651.06	R	1271
79-2305	R	1125	79-2663	A	784
79-2306	R	1125	79-2663	R	562
79-2307	R	1125	79-2664	A	784
79-2308	R	1125	79-2664	R	562
to 79-2316			79-2901	A	1132
79-2317	R	1125	79-2902	A	1132
79-2636	A	784	79-2903	A	1132
79-2636	A	1150	79-2909.01	R	1132
79-2636	A	1246	79-2912	A	1132
79-2637	A	784	79-2918	A	1132
79-2637	A	921	79-2938	A	1132
79-2637	A	1150	79-2940	A	1132
79-2637	A	1246	79-2959	A	1132
79-2637	A	1271	79-2960	A	1132
79-2638	A	784	79-3301	A	1060
79-2639	A	784	79-3303	A	1060
79-2640	A	784	79-3304	A	698
79-2643	A	784	79-3330	A	149
79-2644	A	784	79-3331	R	149
79-2644	A	1150	79-3332	A	662
79-2644	A	1246	79-3333	A	149
79-2644	A	1271	79-3336	A	698
79-2646	A	784	79-3349	A	131
79-2646.01	A	784	79-3407	A	490
79-2647	A	784	79-3408	A	1125
79-2648	A	1150	79-3410	A	1125
79-2648	A	1246	79-3415	A	698
79-2648	R	784	79-3418	R	865
79-2649	R	784	79-3509.03	A	1123
79-2649	R	1150	79-3509.03	R	1022
79-2649	R	1246	79-3602	A	542
79-2650	R	784	to 79-3604		

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79-3703	A	698
79-3703	A	1125
79-3803	A	698
79-3803	A	749
79-3804	A	698
79-3804	A	1271
79-3805	A	633
79-3805	A	1007
79-3806	A	698
79-3806	A	1007
79-3806	A	1125
79-3806	A	1198
79-3806	A	1238
79-3808 to 79-3811	A	698
79-3809	R	749
79-3811	A	1125
79-3812	A	1246
79-3813	A	698
79-3814	A	1120
79-3814	A	1246
79-3815 to 79-3820	A	698
79-3816	A	1063
79-3816	A	1120
79-3816	A	1246
79-3818	A	1063
79-3819	A	481
79-3819	A	1063
79-3820	A	1120
79-3820	A	1246
79-3822	A	1125
79-3822	A	1271
79-3822 to 79-3824	A	698
79-3824	A	1125
80-401.01	A	978
80-411	A	998
81-101	A	447
81-102	A	447
81-125	A	83
81-145	A	1241
81-146	A	1241
81-153	A	1241
81-154	A	1241
81-159	A	969
81-159	A	1241
81-161	A	1241
81-161.03	A	969
81-161.03	A	1241
81-161.05	A	1241
81-162	A	1241
81-173	A	1026
81-178	A	1026
81-179	A	1026
81-262	A	961
81-2,147.01	A	960
81-2,162.02	A	960
81-2,162.03	A	960
81-2,162.04	A	349
81-2,162.05	A	960
81-2,162.06	A	960
81-2,162.07	A	960
81-2,162.11	A	960
81-2,162.12	A	960
81-2,162.13	A	960
81-2,162.15	A	960
81-2,162.16	A	960
81-2,162.17	A	960
81-2,162.18	A	960
81-2,162.20	A	960
81-2,162.21	A	960
81-2,162.23	A	960
81-2,162.25	A	960
81-2,165	A	960
81-2,166	A	960
81-2,167	A	960
81-2,168	A	960
81-2,169	A	960
81-2,170	A	960
81-2,171	A	960
81-2,173	A	960
81-2,176	A	960
81-2,177.01	A	960
81-2,179	A	960
81-2,180	A	960
81-2,239	A	961
81-2,240	A	961
81-2,247	A	961
81-2,248	A	961
81-2,250	A	961
81-2,253	A	961
81-2,281	A	1236
81-541.01	A	1048
81-546	A	310
81-549	A	858
81-550	A	858
81-5,142	A	770
81-638	A	541
81-638	A	666
81-638	A	702
81-638	A	1090
81-647	A	1019
81-650	A	965
81-839	A	1042
81-885.15	A	238
81-885.21	A	1229
81-885.24	A	1229
81-887.01 to 81-887.03	R	64
81-8,128 to 81-8,130.01	R	1294
81-8,132 to 81-8,139	R	1294
81-8,139.01	R	1294
81-8,141 to 81-8,142.01	R	1294
81-8,215.01	A	975
81-8,235	A	1049
81-8,239.01	A	169
81-8,239.01	A	560
81-8,245	A	465
81-1108.15	A	969
81-1108.15	A	1241
81-1108.16	A	1241
81-1108.17	A	1140
81-1108.22	A	969
81-1108.22	A	1241

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81-1108.32	A	1140
81-1108.36	A	1140
81-1108.38	A	1140
81-1108.41	A	969
81-1108.41	A	1241
81-1114	A	969
81-1118	A	1241
81-1118.03	A	969
81-1118.03	A	1241
81-1120.23	A	858
81-1201.01 to 81-1201.03	A	1279
81-1201.21	R	562
81-1245	A	1224
81-1251	A	1224
81-1254	A	1149
81-1254	A	1224
81-1255	A	1149
81-1255	A	1224
81-1258	A	1224
81-1307	A	990
81-1307	A	992
81-1316	A	1250
81-1318.01	A	465
81-1348	A	465
81-1350	A	465
81-1387	A	1195
81-1423	A	964
81-1423	A	1002
81-1429	A	914
81-1501	A	1233
81-1501	A	1257
81-1502	A	406
81-1502	A	981
81-1502	A	1257
81-1503	A	981
81-1504	A	406
81-1504	A	1122
81-1504	A	1233
81-1504	A	1257
81-1505	A	1114
81-1505	A	1122
81-1505	A	1257
81-1505.01	A	981
81-1505.01	A	1122
81-1506	A	1122
81-1506	A	1233
81-1506	A	1257
81-1507	A	1257
81-1508	A	1122
81-1508	A	1233
81-1508	A	1257
81-1510	A	1122
81-1510	A	1233
81-1511	A	1257
81-1512	A	1257
81-1516	A	1257
81-1517 to 81-1520	R	1257
81-1522	R	1257
81-1527	A	1122
81-1527	A	1257
81-1528	A	1257
81-1532	A	338
81-1532	A	406
81-1532	A	518
81-1532	A	1122
81-1532	A	1233
81-1566	A	1028
81-1566	A	1257
81-1571	R	1257
81-1572 to 81-1574	A	1257
81-1578	A	72
81-1578	A	73
81-1578	A	593
81-1578	A	827
81-1591	A	593
81-15,101.01	A	827
81-15,101.04	A	827
81-15,102.01	A	70
81-15,104	A	827
81-15,107	A	70
81-15,107	A	827
81-15,113.01	A	70
81-15,113.01	A	827
81-15,158	A	1271
81-15,160	A	570
81-15,163	R	570
81-15,164	A	570
81-15,165	A	570
81-1602	A	1206
81-1645	A	1206
81-1646	A	1206
81-1647	A	1206
81-1648	A	1206
81-1801	A	102
81-1806	A	102
81-1808	A	102
81-1809	A	102
81-1810	A	102
81-1812	A	102
81-1815	A	102
81-1816	A	102
81-1817 to 81-1820	A	102
81-1823	A	102
81-1826	A	447
81-1832	A	102
81-1835	A	902
81-1835	A	914
81-1835	A	924
81-1844	A	914
81-1848	A	744
81-2002	A	377
81-2004.05	A	459
81-2005	A	1231
81-2016	A	802
81-2017	A	802
81-2025	A	802
81-2026	A	802
81-2101	A	473
81-2102	A	321
81-2104	A	473
81-2113	A	321
81-2501	A	862
81-2507	A	862
82-101 to 82-104	R	668

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82-105	A	668
82-106	R	668
82-107	A	668
82-108	R	668
82-108.01	R	668
82-108.02	A	668
82-109	R	668
82-110	R	668
82-111	A	668
82-112	A	668
82-114	R	668
82-115	R	668
82-117	R	668
82-118	A	668
82-119 to 82-123	R	668
82-124	A	668
82-125 to 82-132	R	668
82-313	A	1267
83-101.09	R	949
83-123	A	900
83-123.01	R	900
83-134	A	900
83-163	A	858
83-170	A	816
83-171	A	447
83-171	A	900
83-173	A	612
83-176	A	612
83-176	A	900
83-177 to 83-179	A	900
83-183	A	902
83-183.01	R	902
83-185	A	900
83-189	A	925
83-189	A	1127
83-190	A	1127
83-196	A	925
83-196	A	1127
83-1,105	R	1221
83-1,107	A	268
83-1,107	A	816
83-1,107.01	A	268
83-1,107.01	R	816
83-1,108	A	816
83-1,109	A	816
83-1,110	A	816
83-1,110	A	858
83-1,110	A	957
83-1,111	A	925
83-1,111	A	1127
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State aid for education: interim study of alternatives to enrollment tiers currently used(Withem)......................... 345LR

Structured environment for students between 7:30 a.m. and 5:30 p.m.: examine requiring school districts to provide (Beutler).. 356LR

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Christopher Columbus: recognize the quincentennial of the historic maiden voyage(Hall)...................................... 251LR

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State employees: interim study of laws on reimbursement rate for use of private aircraft when traveling on state business(Moore).. 362LR

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Capital punishment: provide legislation which repeals death penalty be voted upon and approved by the people(Pirsch, Hefner). 213CA

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Structured environment for students between 7:30 a.m. and 5:30 p.m.: examine requiring school districts to provide (Beutler).. 356LR

University of Nebraska faculty: interim study to examine workload(Withem).. 346LR

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Financial aid system: interim study(Withem, Beutler, Schimek).... 342LR

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Peru State College: congratulate on its 125th birthday(Morrissey, Wehrbein)... 249LR

Southeast Community College: commend Dr. Robert Eicher for his leadership in development of the college(Landis, Beutler).... 431LR

Union College: recognize for 100th anniversary(Crosby)........... 209LR

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University of Nebraska: examine research programs which have received funding from the Nebraska Research Initiative(Withem, Moore)... 349LR

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